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FAIRFAX GENERAL PLAN

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RESOLUTION NO. 1520A RESOLUTION OF THE FAIRFAX TOWN COUNCIL
ADOPTING THE AMENDMENTS TO THE FAIRFAX
GENERAL PLAN

WHEREAS, the Fairfax Planning Commission has reviewed the proposed Amendments to the General Plan (the "General Plan Amendment");

WHEREAS, the Fairfax Planning Commission has reviewed the Environmental Impact Report on the General Plan Amendment (the "EIR");

WHEREAS, the Fairfax Planning Commission held a duly noticed Public Hearing to consider the above information on July 2, 1987 and has examined all pertinent maps, drawings and documents relating to the EIR and the Amendment to the General Plan and adopted Resolution No. 87/2 recommending adoption of the General Plan amendment by the Town Council;

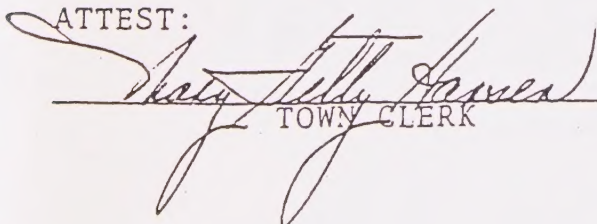
WHEREAS, the Fairfax Town Council has met at a duly noticed Public Hearing and reviewed the Planning Commission recommendation;

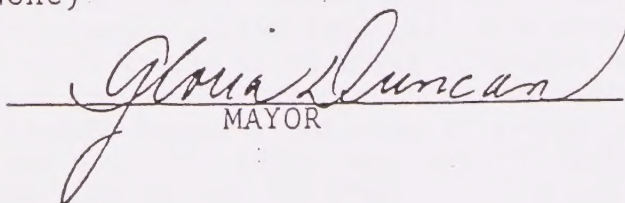
NOW, THEREFORE, BE IT RESOLVED that the Fairfax Town Council hereby amends the Land Use, Circulation, Noise, Safety and Housing Elements of the Fairfax General Plan by the addition of the text prepared by Earth Metrics Incorporated, as contained within the Draft Environmental Impact Report for the Fairfax Redevelopment Plan and Fairfax General Plan Update, certified July 6, 1987 and more specifically contained in the attached compendium of the General Plan amendment.

The foregoing Resolution was duly introduced and adopted at a Regular Adjourned Meeting of the Town Council of the Town of Fairfax held in said Town on the 6th day of July, 1987, by the following vote to wit:

AYES:	COUNCILMEMBERS:	Baker, Sherman, Vice-Mayor Lippi and Mayor Sherman
NOES:	COUNCILMEMBERS:	Egger
ABSENT:	COUNCILMEMBERS:	(None)

ATTEST:


TOWN CLERK


MAYOR

FAIRFAX GENERAL PLAN UPDATE

To insure the conformance of the Redevelopment Project with the Fairfax General Plan, the subject Environmental Impact Report also addresses the effects of updating or clarifying the General Plan to correct deficiencies identified by the Town Attorney in correspondence with the Town's Director of Community Development dated December 16, 1985, January 15, 1986, and December 5, 1986. The General Plan will be updated or clarified with the following items:

- A statement of allowable building intensities for commercial areas (Land Use Element). See Section 3.1, Land Use and Planning, in this EIR.
- An annual review of the floodplain map noting that the map information is current (Land Use Element). See Section 3.5, Hydrology, in this EIR.
- Identification of existing and projected public transportation facilities (Circulation Element). See Section 3.3, Transportation and Circulation, in this EIR.
- A discussion of families and persons in need of emergency shelter (Housing Element). See Section 3.1, Land Use and Planning, in this EIR.
- An update of noise sources and the manner of expression of noise contours, including analysis of local industrial plants and "other ground stationary noise sources identified by local agencies as contributing to the community noise environment." Amendment of contour expression to reflect "community noise equivalent level" (CNEL or day-night average level) (Noise Element). See Section 3.9, Noise, in this EIR.
- Identification of evacuation routes, peak water supply requirements, and minimum road widths and clearances around structures, as these items relate to identified fire and geologic hazards (Safety Element). See Section 3.6, Geology, in this EIR.

Fairfax General Plan Update. The following information to be added to the Fairfax General Plan would not have an adverse effect on the environment.

EMERGENCY SHELTER. Families and persons in need of emergency shelter are referred by the Town's police department to the Marin County Health and Human Service Department for assistance (Luttringer, 1987). The County either refers these persons to the Marin Housing Center or provides vouchers for short term stays at local hotels (Hope, 1987). The Marin Housing Center is a private nonprofit group which offers three housing programs for people in Marin County. The San Rafael Emergency Shelter, run by the Marin Housing Center, houses 30 beds and provides showers, laundry, breakfast and dinner for a donation of \$1.00 per night. A person can stay here up to two weeks on the first visit, but after this time an individual's status changes to night-to-night status where it is first come first served. As many as 15 to 20 individuals get turned away on a daily basis (Harris, 1987).

The Marin Housing Center also offers transitional housing for up to six weeks for families, physically disabled individuals and senior citizens. There is a cost of \$4.50 a day for adults and \$1.50 a day for children. Individuals accepted to this transitional housing must have an income and demonstrate that they can financially move out in six weeks. There is a waiting list for this housing. The third type of housing, satellite housing, is still being developed by the Marin Housing Center, and is being planned to help single mothers and senior citizens by offering homes for lease where five to six persons may live and pay rent (Harris, 1987). The Salvation Army also provides housing

COMMERCIAL BUILDING INTENSITIES. To maintain the community character of Fairfax and to avoid impacts related to overdevelopment, building intensities in commercial areas should be comparable to existing densities and the density allowed under the various commercial zoning districts. The maximum allowable floor/area ratio (FAR) in the commercially designated area shown in the General Plan should be .35. This FAR was selected based on the current ratio of floor space to parking area required in the Town's commercial zoning regulations.

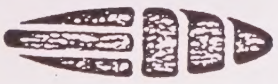
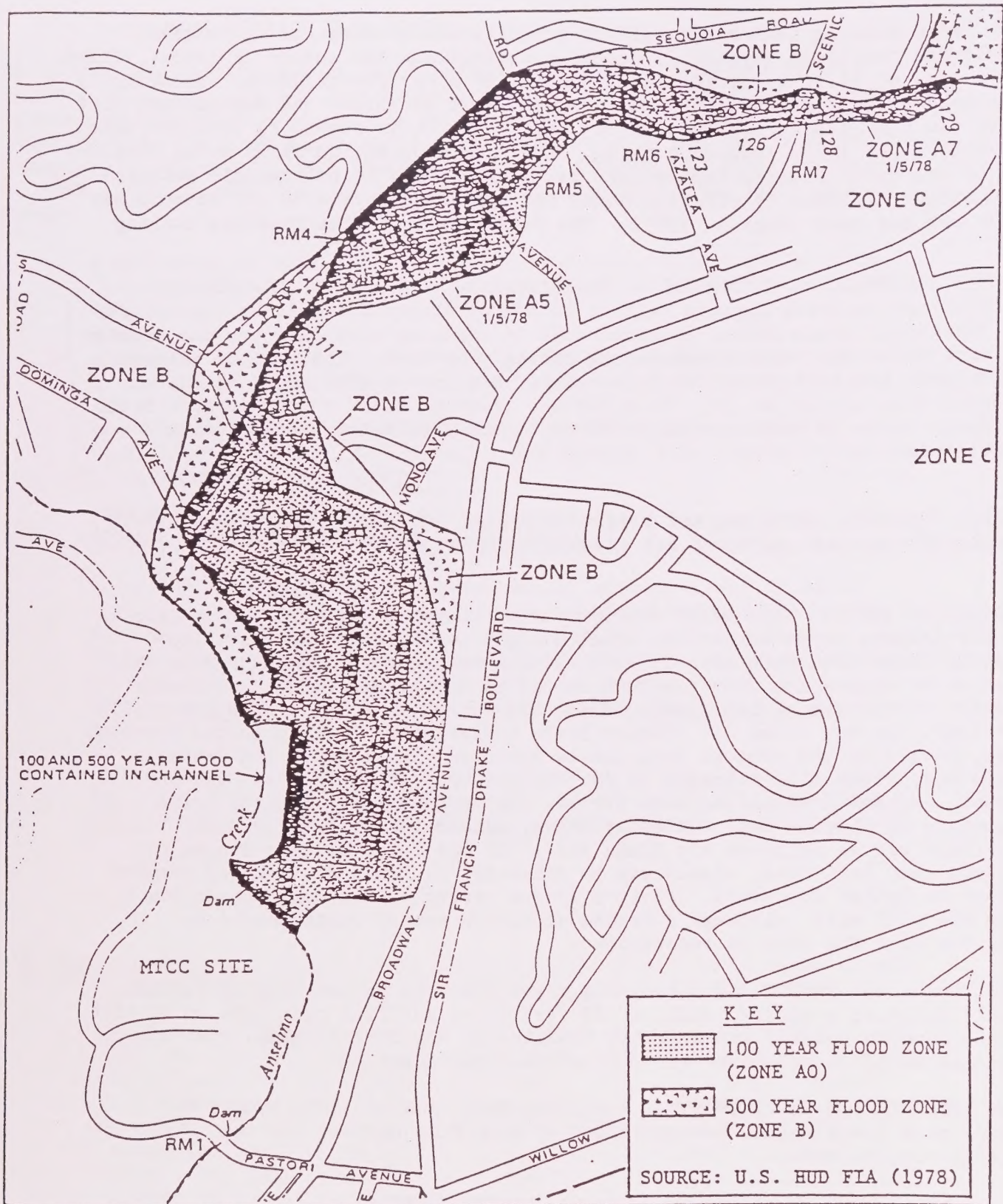
PUBLIC TRANSIT. Existing and projected public transportation facilities and demand for transit services are identified under Existing Setting and Impacts.

EVACUATION ROUTES. The major transportation route out of the Town of Fairfax is Sir Francis Drake Boulevard, which extends to the east and west. Sir Francis Drake Boulevard also is considered a main evacuation route from the Town since evacuation from the Town should be to the east toward emergency service facilities in San Anselmo/Ross, San Rafael, and the U.S. Highway 101 corridor. In the event Sir Francis Drake Boulevard is blocked in the downtown area, access to the east of Town can be achieved via Broadway and Center Boulevard, which also connects to Sir Francis Drake Boulevard at Pastori Avenue, Pacheco Avenue, and Bank Street. In the event Sir Francis Drake Boulevard is blocked near Oak Manor Drive, access to Sir Francis Drake Boulevard can be achieved via Olema Road. In the event Bolinas Avenue is blocked near Park Road, access can be achieved via Dominga Avenue to Pacheco Avenue to Center Boulevard. Pastori Avenue serves as the only access route from the MTCC site, although a second emergency access route should be provided when the site is redeveloped.

MINIMUM ROADWAY WIDTHS AND CLEARANCES. All roadways in the Town of Fairfax should maintain a minimum width of 20 feet and a vertical clearance of 12 feet to accommodate passage of emergency vehicles (i.e., fire trucks). Most other vehicles would be accommodated by this width and clearance.

PEAK WATER SUPPLY REQUIREMENTS. A minimum fire flow of 1,500 pounds per square inch (psi) should be maintained at each fire hydrant for the firefighting purposes.

FLOOD MAP. The flood map shown in Figure 3.5-1 (dated 1978) is the latest and most up-to-date map available from the Federal Emergency Management Agency (FEMA).



earth metrics

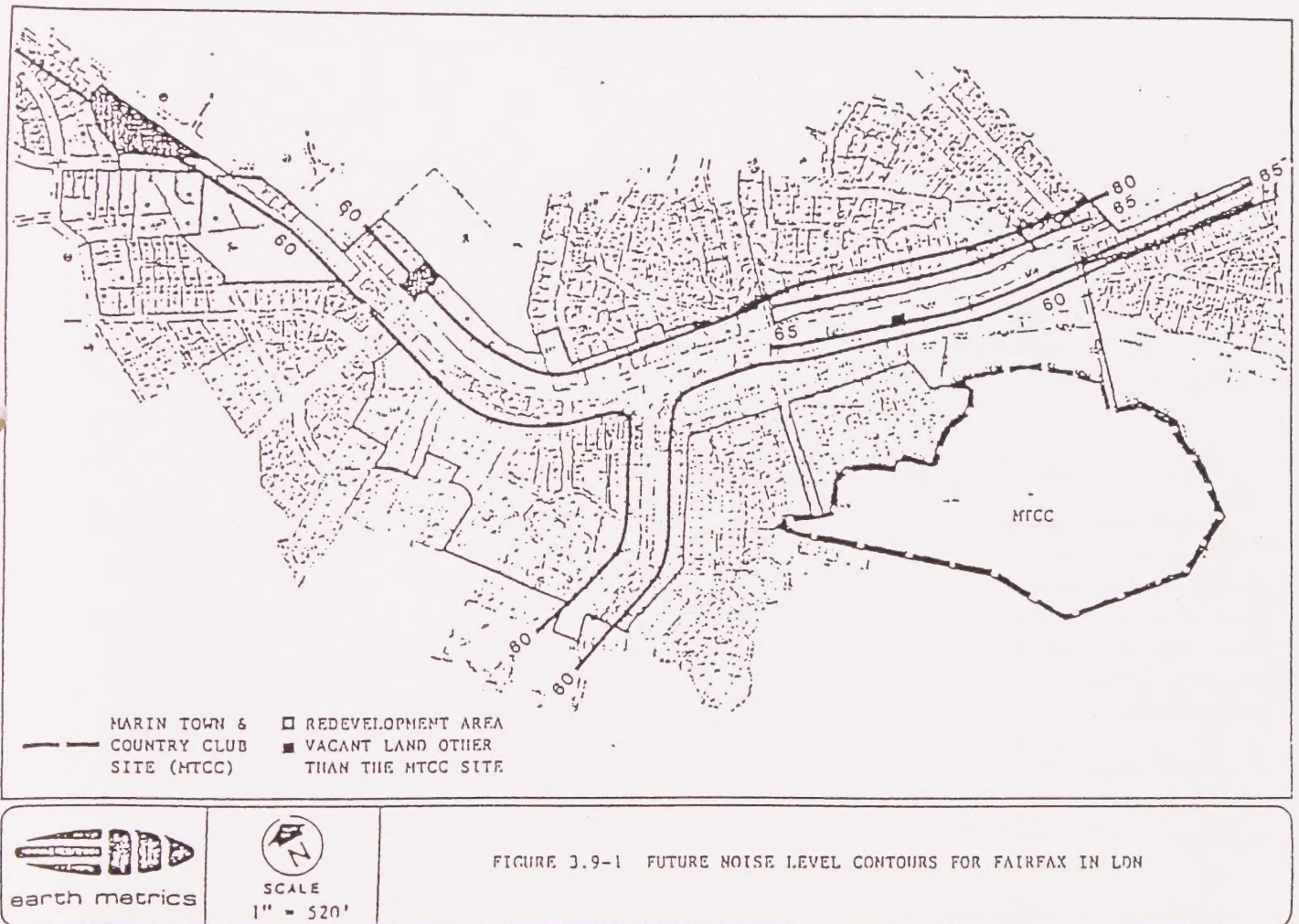


SCALE
1" = 400'

FIGURE 3.5-1. FLOOD ZONE MAP OF FAIRFAX

NOISE CONTOURS. Noise contour maps for the year 1992 are presented in Figure 3.9-1 of this section. These noise contours are expressed as Ldn (day-night average level).

STATIONARY NOISE SOURCES. Consultation was held with the City of Fairfax planning staff to determine the nature of the stationary noise sources (Marion, 1987). As reported to us, there are no industrial plants in the Town. The only sound sources of concern are a several taverns in the central business district on Broadway and on Bolinas Road. These taverns feature live entertainment with amplified music, which has elicited some complaints from adjacent residents. Other stationary noise sources include the lumberyard on Broadway and several automotive service uses in the Town.



ACKNOWLEDGEMENTS

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Final Report

Open Space Element
General Plan Study

for the
Town of Fairfax

prepared by
Wallace McHarg Roberts and Todd

in association with
LeBlanc and Company

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OPEN SPACE CONCEPT

PROPOSITION

The Open Space Element is an outgrowth of a need to determine how open space resources should be preserved in the Fairfax Planning Area. These resources require official recognition and in turn the preparation of an implementation program that safeguards them for future generations. What follows explains the formulation of the open space concept.

CONCEPT FORMULATION

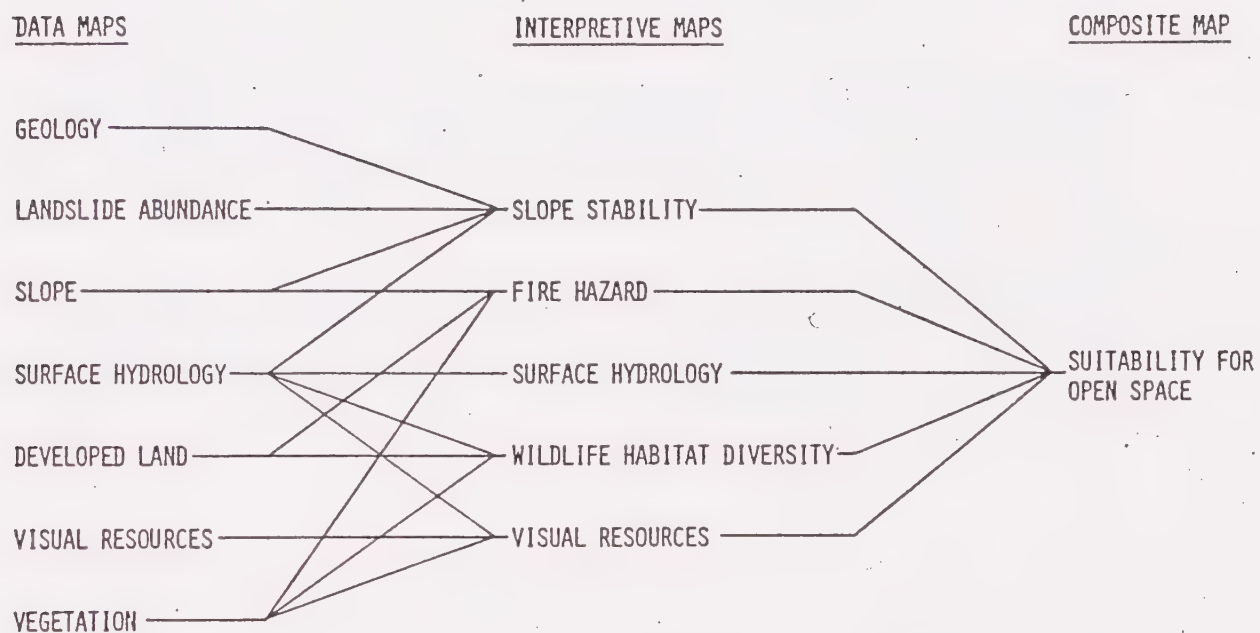
Identified in the Plan are those open space resources that the Town has determined are of intrinsic natural and cultural value or else of value in reference to safeguarding the public health and safety. They have been defined geographically in the form of a Suitability for Open Space Map. The areas this map designates must be preserved if the Town is to retain its sharply defined identity and sense of place. Once lost, this natural setting cannot be regained.

The Suitability for Open Space Map graphically describes the concept. The map was derived from numerous data and interpretive maps that identify various open space features of natural and cultural value. The derivation of the Suitability for Open Space Map is described in the logic diagram on the following page.

Each of these maps is described in detail in the Appendix, (A-1). Included below a brief description of the interpretive maps from which the Suitability for Open Space Map was produced:

Slope Stability Map--This map is an interpretation of the relative stability of natural slopes located in the Planning Area. It is a product of the Geology, Landslide Abundance, Slope and Surface Hydrology Maps. Indicated are those areas least suited for urban development. Much of the Fairfax Planning Area is unstable as a result of the stability characteristics of geological materials underlying the slopes, steepness of slopes, and the presence of continuously active or intermittently active natural forces that tend to cause slope failure.

SUITABILITY FOR OPEN SPACE LOGIC DIAGRAM



Fire Hazard Map--Areas of extreme wildfire hazard are those that are characterized by grasslands or shrub vegetation and slopes of 31 percent and greater. These lands are normally not urbanized, afford limited access and lack the availability of an adequate water supply for fire fighting.

Surface Hydrology Map--This map identifies stream courses and their watersheds as well as flood prone areas in the Fairfax Planning Area. The flood prone areas have 1 in 100 or 1 percent chance on the average of being inundated during any given year.

Wildlife Habitat Diversity Map--The diversity of wildlife habitat is associated with vegetation type and the degree of urbanization. For mammal and bird populations, hardwood forests, conifer hardwoods, and riparian zones (native vegetation areas directly adjacent to water bodies and streams) have the greatest wildlife habitat diversity.

Visual Resources Map--Visual resources are defined by the classifications of ridges, ridgeline scenic corridors, stream courses, scenic highways, gateways, vista points and views, visually distinctive areas, and conifer-hardwood concentrations. Of greatest value to defining the character of the Planning Area are the ridges and their accompanying steep slopes.

An open space concept was then conceived that identifies open space resources of value to those who reside in the Planning Area. Core to the concept are the Connectors of ridgelines and ridgeline scenic corridors, stream courses, and scenic highways. They serve to link the various activities and neighborhoods of the Planning Area as well as define separate neighborhoods and commercial districts. It is intended that these corridors will serve various open space and recreational needs. For example, open space preserved for these connectors could be utilized as a major component to a trails system throughout the Planning Area.

Visually Distinctive Areas and Gateways of the Planning Area complement the connectors. Visually distinctive areas are predominately composed of sparsely vegetated hilltops. From the Town's scenic highways these areas are the focus of long vistas and serve to provide visual reference points. The gateways of the Planning Area are physiographic breaks in the surrounding ridgelines.

The third major factor in the concept is the category of Unstable Slopes. If seen only in terms of gross acreage, this is the most significant feature. It is also the most pervasive hazard type, including most of the undeveloped portion of the Planning Area, as well as some of the already urbanized area. For health and safety reasons certain restrictions must be applied to these lands.

Other features of the concept include flood prone areas, areas of extreme wildfire hazard, diverse wildlife habitats and areas of redwood association vegetation. While not as essential to the structure of the open space concept, they too warrant preservation measures.

The concept was prepared in consideration of maintaining conformity with the Marin Countywide Plan. Principal elements of importance to the Fairfax Planning Area are reflected on the Marin Countywide Plan data map.

Additional factors considered in the Plan are the publicly owned lands and current zoning. This information was represented in map form and is of particular importance in determining areas presently protected as open space and conversely those areas unprotected by current public policy.

OBJECTIVES, POLICIES AND RECOMMENDATIONS

The Open Space Concept described in the preceeding section has been translated into three overall Plan objectives. Attendant to each of these are policy statements concerning relevant open space land types, including public and open space. Specific recommendations then clarify the import of the broader policy statements. The following is a summary outline of these policies, arranged according to the Element's objectives.

Objective #1--PROTECT THE PUBLIC HEALTH AND SAFETY

- Policies:
- 1.1 Areas that represent slope stability limitation should only be developed with adequate engineering to mitigate the hazard.
 - 1.2 Flood prone areas should be managed in consideration of their potential hazard and natural resource value.
 - 1.3 Areas of extreme wildfire hazard should only be developed in consideration of the potential hazard.

Objective #2--PROTECT THE NATURAL ENVIRONMENT

- Policies:
- 2.1 Areas of diverse wildlife habitat represent a natural resource and should be preserved.
 - 2.2 Areas of redwood association vegetation are a unique natural and visual resource that should be preserved.

Objective #3--PROTECT THE CULTURAL ENVIRONMENT

- Policies:
- 3.1 Ridgelines and ridgeline scenic corridors that serve as a visual resource, function in providing community identity, and serve as unifying corridors in the Planning Area, thereby warranting the preservation of their visual value.

- 3.2 Stream courses should be preserved in their natural state in that they represent a visual and recreational resource, provide community identity, and serve as unifying corridors in the Planning Area.
- 3.3 Scenic highways represent a visual value and should be preserved as unifying corridors in the Planning area.
- 3.4 Gateways and visually distinctive areas should be protected from obtrusive urban development in order to preserve their visual and recreational values.
- 3.5 Preserve public open space.

The balance of this chapter details the findings and recommendations for each of the Open Space Element's policies. In order to determine on a generalized scale the portions of the Fairfax Planning Area of relevance for each policy, refer to the Suitability for Open Space Map and the various basic data maps.

OBJECTIVE 1

PROTECT THE PUBLIC HEALTH AND SAFETY

POLICY 1.1: *Areas that represent slope stability limitation should only be developed with adequate engineering to mitigate the hazard.*

Findings:

Areas of extreme slope stability limitation were defined as having one or more of the following characteristics which represent classes 3 and 4 on the Slope Stability Map-- ancient or recent landslides or creep, influence of sheared or shattered bedrock geology and slopes of 30 percent and greater, confluence of colluvium and slopes of 15 percent and greater, and stream courses. These areas are generally not suitable for urbanization in that any construction is potentially subject to damage from geologic actions, particularly in the event of an earthquake and/or a period of extended rainfall.

Recommendations:

- a. The Town and the County should develop ordinances which requires any development proposed in areas of slope stability limitation classes 3 and 4 on the Slope Stability Map to have a special plan review. Included in the special plan review should be a report prepared by an engineering geologist* retained by the Town. This report should be at the developer's expense, and be prepared prior to the issuance of a special use permit. In the future the Town should utilize the findings of the Geologic Study, now being conducted by the California Division of Mines and Geology in cooperation with Marin County and the Town of Fairfax, for determination of slope stability limitation in the Planning Area. The preliminary report and maps are expected to be available by December, 1974. The final report is scheduled for completion by December, 1975.
- b. Development impacts to be investigated for slope stability include both the on-site improvements as well as off-site improvements such as roads and utilities serving the site. If a stable site cannot be found on a parcel, an application for a building permit should be denied.
- c. Land uses of highest density should go to those lands indicated as most stable on the Slope Stability Map.
- d. Town Ordinance Number 386 should be strictly followed. ("...no permit to excavate or fill shall be granted, where the application shows said excavation or fill to involve the movement of over 100 cubic yards of material, unless and until approval of said application is given by action of the Planning Commission of the Town of Fairfax." The ordinance establishes criteria for reviewing applications, several of which relate to unstable slopes).

*The Town's engineering geologist could be reimbursed through fees charged to applicants for building permits and subdivision approvals.

- e. The Town's zoning ordinance should be revised in consideration of slope stability limitations. The zoning should permit flexibility in site design, including the use of a wide variety of housing types. Transfer of development rights should be allowed to favor the siting of buildings and improvements on stable portions of parcels, if possible.

POLICY 1.2: *Flood prone areas should be managed in consideration of their potential hazard and natural resource value.*

Findings:

Flood prone areas are defined as the 100 year flood inundation area designated by the United State Geological Survey. The extent of the flood prone area is determined by the volume of water anticipated in a 100 year flood and the configuration of the adjacent topography. The flood prone area encompasses the core of the Town including the commercial district along Broadway and Bolinas Avenue, Fairfax Park and the Town Hall, and residential areas near the Town Center along Bolinas Avenue, Park Road, and between the Marin Town and Country Club and Broadway. The Town should utilize the findings of the Flood Disaster Protection Act of 1973 to determine a more detailed delineation of the flood prone area. The United States Department of Housing and Urban Development is responsible for the study, with the federal act requiring completion throughout the United States by 1985. Results may be available in some areas much earlier than that date.

Recommendations:

- a. The Town and the County should develop zoning ordinances to encourage the management of large, undeveloped parcels in the flood prone area as a flood plain, suitable for low intensity uses and open space. Low intensity uses include agriculture, golf courses and parks.
- b. The Town and County should conduct a flood improvement study that would lead to the formulation of an improvements program designed to mitigate flood hazards in the presently urbanized portion of the Town. Any flood improvement programs undertaken in the Fairfax Planning Area should be designed so as to maintain stream courses in their natural state, where possible.

POLICY 1.3: *Areas of extreme wildfire hazard should only be developed in consideration of the potential hazard.*

Findings:

Extreme wildfire hazard areas are defined as those areas representing the confluence of shrub or grassland vegetation type, slopes of 31 percent and greater, poor access and limited water supply. Fires are a natural occurrence in these areas, serving to retard the invasion of hardwood trees into areas covered by shrubs and grasslands.

Recommendations:

- a. Development should be permitted in areas of extreme wildfire hazard subject to the provision of good access roads, adequate water supply and a reliable fire warning system. These criteria should be translated by the Town and County into an ordinance that would apply to any new construction in areas of extreme wildfire hazard in the Planning Area.
- b. Where the Town finds fire breaks to be necessary, setbacks reflecting this need should be required for all new construction.

OBJECTIVE 2

PROTECT THE NATURAL ENVIRONMENT

POLICY 2.1: *Areas of diverse wildlife habitat represent a natural resource and should be preserved.*

Findings:

Diversity of wildlife is related to the vegetation located in the Planning Area. The most diverse wildlife habitat is associated with riparian vegetation. Riparian vegetation is that found along stream courses. The next most diverse wildlife habitat is that associated with hardwoods and conifer-hardwoods. Least wildlife habitat diversity is

associated with the grasslands, shrub areas, and the urbanized portions of the Planning Area.

Recommendations:

- a. The Town and the County should develop ordinances that safeguards wildlife habitats by allowing only minimal disruption of the natural vegetative cover, including both shrubs and trees.
- b. The intensity of recreational use allowed on public lands should be determined in light of the requirements of wildlife for natural habitats.
- c. Two Town Ordinances now apply to the protection of wildlife habitats. One is Ordinance No. 393 which states that "No building, accessory building, structure, or swimming pool shall be constructed closer to the toe of the stream bank of the Fairfax and San Anselmo Creeks than 20' or two times the average depth of the bank, whichever is greater, without authorization by use permit". This ordinance can serve, in a limited fashion, to preserve wildlife habitats in riparian corridors. Its language should be amended to designate all streams within the incorporated limits as falling under the existing ordinance. A similar ordinance should be adopted by Marin County to protect stream courses in the unincorporated portion of the Planning Area. Marin County is presently preparing a Stream Conservation Zone Ordinance, however this will only apply to streams designated on the Marin Countywide Plan (San Anselmo and Fairfax Creeks). The other existing Town ordinance of relevance to wildlife habitats in Number 387. It requires that "Any person or entity...desiring to remove or alter one or more trees on any parcel in the Town shall apply in writing to the City Administrator for permission to remove or alter the particular tree or trees". This, like Ordinance No. 393, protects wildlife habitats to a limited extent.

POLICY 2.2: *Areas of redwood association vegetation are a unique natural and visual resource that should be preserved.*

Findings:

Conifer-hardwood areas which include redwood association vegetation are represented on the Vegetation Map. Redwoods are a unique and limited resource in the Fairfax Planning

Area as a result of past logging activities and should be preserved.

Recommendations:

- a. Construction in areas containing redwoods and other conifers should be sited in such a way that minimal disturbance to the natural tree cover occurs. Town Ordinance No. 387 now helps to protect existing trees "Any person or entity...desiring to remove or alter one or more trees on any parcel in the Town shall apply in writing to the City Administrator for permission to remove or alter the particular tree or trees". The Town can utilize this existing ordinance to protect redwoods and other conifers. Marin County should develop a similar ordinance.
- b. Attempts should be made to acquire those redwood areas in close proximity to ridge lines, stream courses and scenic highways through such devices as purchase, donation by private property owners in return for property and income tax benefits, and dedication through the Subdivision Map Act.

OBJECTIVE 3

PROTECT THE CULTURAL ENVIRONMENT

POLICY 3.1: *Ridgelines and ridgeline scenic corridors serve as a visual resource, function in providing community identity, and serve as unifying corridors in the Planning Area, thereby warranting the preservation of their visual value.*

Findings:

Major ridgelines were interpreted from the watershed boundaries designated on the Surface Hydrology Map. Ridgeline scenic corridors are those areas defined by an elevation of 45 feet below the ridgeline. The Town of Fairfax building code limits building height to 45 feet on slopes of 10 percent and greater. Therefore the ridgeline scenic corridor represents that area which should be protected from urban encroachment.

Recommendations:

- a. Town Resolution 959 should be used to guide the drafting of an ordinance with the same intent. The resolution states that "...the policy of this City shall be to conserve the existing scenic resources and the sense of community identity now afforded by the presence of the unurbanized open spaces on the ridge tops above the City by preserving them in an open and scenically attractive state".
- b. Within a 45 foot elevation below the ridgeline, special design review should be required of all construction to determine setbacks of adequate width and height limitations to protect the skyline silhouette of the ridge.
- c. Building sites on or near major ridgelines and ridgeline scenic corridors should be favored that are least visible from the scenic highways and the existing urbanized areas for the purpose of protecting scenic values. The prominence of new construction can be minimized by such devices as siting of new buildings in wooded areas, adjacent to rock outcroppings, and in depressions in the topography.
- d. Development proposals on ridgelines and in ridgeline scenic corridors should be subject to a stringent design or plan review process to monitor adverse visual impact.
- e. For those parcels that include visually prominent ridges where stable sites can only be found on the ridgeline, fee-simple purchase or purchase of development rights might be necessary.
- f. Ridges in large proposed subdivisions should be dedicated as open space under the provisions of the Subdivision Map Act.
- g. Where ridgeline public access is desirable, it should be provided by the use of forced dedication of trail easements in the subdivision review process of the purchase of trail easements when necessary on individual private parcels. Also, trails established by historic use on private property should be designated by the Town as public access. A research program should be undertaken to determine which trails can legally be designated public access based on historic use.

POLICY 3.2: *Stream courses should be preserved in their natural state in that they represent a visual and recreational resource, provide community identity, and serve as unifying corridors in the Planning Area.*

Findings:

Stream courses were interpreted from hydrologic data provided by the Marin County Flood Control and Water Conservation District, the United States Army Corps of Engineers and the United States Geological Survey. The stream courses have repeatedly been violated by construction in the urbanized portion of the Planning Area, particularly in regard to the setback requirement. Stream courses also fall under slope stability limitations, flood prone areas and wildfire habitats. Policies and recommendations for streams that relate to these categories can be found under 1.1, 1.2, and 2.1. The stream course policy and recommendations apply to all the streams on the Surface Hydrology Map.

Recommendations:

- a. Town Ordinance Number 393 should be strictly followed "No building, accessory building, structure or swimming pool shall be constructed closer to the toe of the stream bank of the Fairfax and San Anselmo Creeks than 20 feet or two times the average depth of the bank, whichever is greater, without authorization by use permit". This ordinance should be expanded to include all other streams within the Town of Fairfax. A similar ordinance should be adopted by Marin County to protect stream courses in the unincorporated portion of the Planning Area. Marin County is presently preparing a Stream Conservation Zone Ordinance, that places controls on construction along streams for a distance of 300 feet on either side. However this will only apply to portions of the streams designated on the Marin Countywide Plan (San Anselmo and Fairfax Creeks).
- b. Stream courses on private property which have historically had public access should have this access legally secured on a permanent basis. A research program should be undertaken to determine which trails can legally be designated public access based on historic use.

- c. In those areas where public access cannot be secured to streams on the basis of historic use, access rights should be purchased where necessary or secured from the developer under the provisions of the Subdivision Map Act. The developer should be responsible for maintaining the stream course and public access in perpetuity.

POLICY 3.3: *Scenic highways represent a visual value and should be preserved as unifying corridors in the Planning Area.*

Findings:

Scenic highways are represented on the Visual Resources Map. Bolinas Road and Sir Francis Drake are scenic highways. Important features of scenic highways are views of ridges, ridgeline scenic corridors, visually distinctive areas and conifer-hardwood concentrations. Vista points and natural gateways to the Planning Area are also associated with scenic highways.

Recommendations:

- a. The Town and the County should jointly develop ordinances for scenic highways that require setbacks of at least 25 feet to screen development by landscaping or preserving natural features. Developers should be required to dedicate trail easements in these setbacks for the use of bicyclists, pedestrians and equestrians.
- b. Building sites should be favored that are least visible from the scenic highways.
- c. Development along scenic highways should be subject to a stringent design review process.

POLICY 3.4: *Gateways and visually distinctive areas should be protected from obtrusive urban development in order to preserve their visual and recreational values.*

Findings:

The determination of gateways and visually distinctive areas is identified on the Visual Resources Map. Gateways are natural breaks or passes in the ridgelines which define the

Planning Area. They are: (1) Sir Francis Drake Boulevard at the San Anselmo/Fairfax Town Limits; (2) Sir Francis Drake Boulevard at the base of Loma Alta, and; (2) Bolinas Road at Meadow Club. Visually distinctive areas include a variety of visual experience of value to the Town's residents. Generally these are areas located on ridges that are sparsely vegetated in contrast to the densely vegetated valley walls. An additional visually distinctive feature of value to the residents of the Planning Area is the presence of redwood association concentrations. Refer to 2.2 for another policy regarding redwood association concentrations. The visually distinctive areas indicated on the Visual Resources Map are:

- o Loma Alta Peak or Circle V Ranch
- o Town of Fairfax Redwood Park
- o Bald Mountain
- o Upper elevation of Sky Ranch
- o Grass covered ridge portions of the Wall-Poeshell-Getz Tract
- o Portion of the Hall Property located on the grassy knoll behind Cala Market
- o Heavily vegetated portion of the Buon Gusto Tract which borders Sir Francis Drake

Recommendations:

- a. The Town and County should adopt an ordinance that prevents construction in grasslands defined as visually distinctive areas when less visible sites are available on the same parcel.
- b. New construction should be required by appropriate ordinances to protect views from scenic highways of visually distinctive areas.
- c. Development proposals around gateways should be under special design review.

POLICY 3.5: *Preserve public open space.*

Findings:

The public and open space in the Planning Area are extensive. The majority of the public open space lands are under the jurisdiction of the Marin County Open Space District and the Marin Municipal Water District.

Most notable is the Redwood Park in the Town Center. These open space lands are utilized for recreation and enjoyment of natural open space qualities.

Despite general agreement on the need to preserve public open space, new construction may still be proposed on these open space lands. It is anticipated that persuasive arguments will be based in the public value of the proposed development. The public value will differ among proposals, and a determination of this value as compared with open space will be different. To assist in this determination the following recommendations should be applied.

Recommendations:

- a. The Town should develop an ordinance that prohibits construction for nonrecreational uses in public parks and playgrounds designated for recreational use.
- b. The Town and the County should develop ordinances that prohibit construction in low intensity public recreation and/or open space areas unless it can be demonstrated that new construction is absolutely essential to the functioning of the facility and that sufficient proof is shown that alternative sites have been studied with the findings that the proposed facility can be located only on the site in question.
- c. Open space lands under public jurisdiction should only be developed to serve the functional uses directly related to the agency's province of activity and construction should be considerate of the natural characteristics and open space value of the site.
- d. Nonrecreational development in public open space should be gradually eliminated.
- e. The Town presently does not have a zoning classification that applies specifically to publicly owned parks and open space areas. Such an ordinance should be drafted with the intent of protecting these lands from uses other than open space and recreation.

IMPLEMENTATION

INTRODUCTION

Open space policies and recommendations for implementation of the Plan apply to four basic possible types of parcels. In some instances, implementation techniques will vary with the parcel type. The four types of parcels of relevance to the Open Space Plan are:

- o Small parcel, developed, in an open space zone
- o Small parcel, not developed, in an open space zone
- o Large parcel, developed in an open space zone
- o Large parcel, not developed in an open space zone

Presently developed parcels offer little opportunity for realizing goals and objectives of the Plan, while undeveloped parcels, particularly those that are large, present the greatest opportunity.

There are a number of implementation techniques of relevance to Fairfax. A recent report by the Association of Bay Area Governments Financing Open Space describes less costly preservation techniques than public acquisition and maintenance, including:

- o Purchase of land and leaseback with restrictions on use
- o Purchase and sale back with restrictions on development rights
- o Life tenancy arrangements that would either minimize the initial cost or in some cases, maintain the property on the tax rolls
- o Purchase of easements, development rights, air rights, etc. rather than acquiring fee title to land
- o Creative use of the police power by enacting enforceable zoning restrictions (or performance standards)
- o Establishing systems of compensable restrictions where, if market value declines after restrictions are imposed, there will be compensation at the time the land changes hands

These and other techniques are discussed further in the Appendix, (A-2).

Acquisition of fee-simple title could, of course, completely safeguard all of the open space lands in the Planning Area. However, the limited financial resources of both Fairfax and

Marin County make this an extremely impractical approach. Acquisition should be used primarily when active public use of an area is necessary. In some instances the Town needs only to secure various types of easements rather than actually purchase the entire property.

For the most part, open land in the Planning Area must be protected through regulation. Regulation can take the form of such techniques as zoning, the subdivision review process, and ordinances regulating new construction in reference to grading, tree cutting and protection of ridgelines and stream courses. In the subdivision review process, public access and at times public donation of open space can be gained. However, public use and access are usually not required for most of the open space types in order to achieve the goals stated in the Plan. It bears emphasizing that regulation offers greater potential for preserving open space values than has traditionally been the case. Recent California court decisions appear to take an increasingly liberal view of the powers of local government to regulate the use of private property.

The Marin County Plan is another implementation tool. The degree of success that Marin County experiences in implementing its Countywide Plan will be central to the preservation of most of the open space in the Fairfax Planning Area. The three basic components of the County's implementation program are:

1. Acquisition by the Marin County Open Space District
2. Preservation of the Ridge and Upland Greenbelt open space areas through zoning (including Residential Multiple Planned Districts at various densities ranging from one dwelling unit per acre to one dwelling unit per 10 acres).
3. Preparation of a Stream Conservation Zone Ordinance that strictly regulates any new development along major streams for a distance of 300 feet from either bank.

The Town should also strive to achieve zoning in conformity with its Open Space Plan throughout the Planning Area. Most of the zoning in the unincorporated portion is acceptable, but some discrepancies do exist. Greater problems arise within the Town's limits in undeveloped areas indicated as suitable for open space on the Plan. In these instances, the Town's residential zoning is often contradictory to the intent of the Plan, particularly in reference to permitting densities that are too high in areas of unstable slopes.

A successful program will obviously require a combination of preservation techniques. Before discussing specific applications of techniques to classes of open space, it is necessary to provide some general background on population and local revenues in the area.

POPULATION

The Report of the Citizens Committee for Review of the Fairfax General Plan contains a number of tables derived from the 1970 Census which provide a snapshot of the Fairfax area that need not be repeated here. At that time, the Citizens' Committee recommended an ultimate population of 12,500 persons in the 6,050 acre, Planning Area (which includes unincorporated areas of the County). Based on the revised County growth expectation of 300,000 in 1990, the report estimated a 1990 population of 12,155 for the Fairfax Planning Area.

The County Planning Department now estimates a 1990 population for the Fairfax Planning Area of 10,780 persons, assuming 4,310 occupied dwelling units and 2.50 persons per unit. The estimates of lower population are due to downward revisions in household size. There may in fact be an increase in dwelling units, but if each unit houses less people, the total population may not increase as rapidly as before. (The 1970 Census noted a household size of 2.74, which if applied to present estimates of dwelling units would mean 11,810 persons, which is still below previous expectations.)

The Planning Department has also estimated that 150 new dwelling units have been constructed in the Planning Area from the time of the Census to January 1, 1974. Most of these units (127) were built within the Town limits.

The State Department of Finance has estimated a population of 7,425 within the Town of Fairfax as of January 1, 1974. (This is a decline from their 1973 estimate of 7,550. The 1970 Census estimate was 7,661 in the town. Again, the decline in total population occurs because of lower assumptions about household size).

LOCAL REVENUES, EXPENDITURES AND POTENTIAL NEW SOURCES

Implementation techniques are also a function of the Town's financial health. Before discussing the techniques noted earlier (and in the Appendix), we should briefly review

Fairfax's financial trends and fiscal capacity. Based on actual 1971-72 revenues, Fairfax obtained more than 38 percent of its income from the property tax. Another 29 percent came from other agencies especially the sales tax, motor vehicle and cigarette taxes. Other revenues came from franchises, licenses, permits (generally fluctuate) and use of money and other property, each ranging from three to four percent of the Town's revenues. See Table 1.

From fiscal year 1970 to fiscal 1974 (estimated) property tax revenues have increased 28 percent, or close to 6.5 percent per year. The total general fund increased 36 percent during the same period.

Total expenditures are increasing as fast as revenues, of course, and are expected to keep pressure on Fairfax's budget, as typically occurs in similar towns. General government expenditures increased 25 percent in the last three fiscal years (1972-1974) while public safety costs increased 22 percent. Overall estimated expenses increased 18 percent. See Table 2.

Within the context of present revenues and expenditures, there appears to be little room for expanding funds. There would probably be resistance to additional taxes for open space acquisition (in fee or in part) based on the property tax. But this approach to funding has been increasing in popularity during the last couple of years. The County's Auditor-Controller noted recent passage of \$6.4 million by various jurisdictions in Marin since 1972. See Table 3. Of the seven jurisdictions, the increased tax rate varied from \$0.06 per \$100 to \$0.50 per \$100. The effect of the new taxes ranged from \$.40 per month in San Rafael to \$3.35 per month in Service Area #14, depending on the size and assessed valuation of the taxing entity and the average market value of a typical home in the area.

Similarly, a 10-cent property tax rate in Fairfax would support a bond of \$278,000 for open space, assuming total assessed valuation of \$20,000,000 and a 6 percent-30 year bond. A 20-year 6-percent bond would support approximately \$232,500. If we assume a \$40,000 average price home in the town, an increased 10 cent tax rate would mean \$10 per year or about \$.83 per month to the homeowner. A 10 cent increase represents a 5.6 per cent increase in Fairfax's present rate structure. See Table 4.

Whether such an amount is sufficient will depend on the Town's assessment of its priorities.

TABLE 1
FAIRFAX REVENUES BY FISCAL YEAR ENDING

	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973^a</u>	<u>1974^a</u>
<u>General Fund</u>					
Property Taxes	\$184,744	\$194,528	\$209,795	\$225,056	\$237,075
Taxes via other agencies	<u>164,731</u>	<u>152,809</u>	<u>158,416</u>	<u>164,580</u>	<u>179,100</u>
Sales and Use	63,922	65,431	70,067	72,000	82,000
Motor Vehicle	50,560	57,109	57,250	59,000	62,500
Cigarette	19,131	19,927	20,668	21,380	22,000
Remainder	31,118	10,342	10,431	12,200	12,600
Franchises	13,205	13,267	17,411	18,055	20,055
Licenses	21,111	19,460	19,525	20,900	20,400
Permits	5,062	6,796	20,211	8,750	10,725
Fines and Forfeitures	3,326	4,739	4,272	4,500	6,000
Use of Money and Property	6,556	8,368	18,181	8,000	9,000
Charges for Current Service	1,910	4,197	7,114	2,300	3,150
Other revenue	6,545	9,937	18,661	19,800	7,500
Transfer from Other Funds	<u>16,115</u>	<u>75,672</u>	<u>74,641</u>	<u>79,000</u>	<u>81,461</u>
<u>Total General Funds</u>	\$423,305	\$489,473	\$548,227	\$550,941	\$574,466
<u>Public Resources Fund</u>	30,596	33,358	30,308	33,832	35,650
<u>Retirement Fund</u>	52,041	53,707	54,141	60,368	63,600
<u>Bond Redemption</u>	-	-	-	-	21,175

a) Estimated

Source: Fairfax Annual Reports
LeBlanc & Company

TABLE 2
ESTIMATED FAIRFAX EXPENDITURES
BY FISCAL YEAR ENDING

	<u>1972</u>	<u>1973</u>	<u>1974</u>
General Government	\$ 78,704	\$ 91,027	\$ 98,437
Public Safety	318,207	353,207	388,093
Public Works	<u>124,130</u>	<u>134,613</u>	<u>134,186</u>
General Fund Total	521,051	578,847	620,716
Retirement Fund	54,660	62,958	65,431
Parks and Recreation	35,673	40,070	33,627
Corporate Yard Shop	<u>(33,720)</u>	<u>(33,863)</u>	<u>(37,091)^a</u>
Total	\$611,384	\$681,875	\$719,774

a) Memo only: Expenditures disbursed
through other budget items

Source: Fairfax Annual Reports
LeBlanc & Company

TABLE 3
MARIN COUNTY OPEN SPACE BOND ISSUES
1972-1973

<u>Name of Taxing Entity</u>	<u>Amount of Bonds Approved</u>	<u>% of Affirmative Votes Cast</u>	<u>Average Interest Rate</u>	<u>Term of Bond Issues (Number of Years)</u>	<u>Average Annual Tax Rate</u>
County Service Area #13 Lucas Valley	\$ 315,000	95.8%	5.68%	25	\$0.29
City San Rafael	2,250,000	75.2	4.82	20	0.06
City of Tiburon	1,250,000	72.9	4.83	30	0.22
Marinwood Community Service District	600,000	86.7	5.59	25	0.38
County Service Area #14 Homestead Valley	600,000	79.3	5.8	20 ^a	0.50
County Service Area #17 Greenbrae - Kentfield	850,000	75.2	5.8	20 ^a	0.105
County Service Area #18 Santa Venetia	<u>500,000</u>	74.0	5.8	20 ^a	0.22
TOTAL	<u>\$6,365,000</u>				

a) Estimated - these Bond Issues have not, as yet, been sold.

Source: Marin County, Auditor-Controller

ASSESSED VALUATION AND TAX RATES
FISCAL YEAR ENDING

	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>Assessed Valuation</u>	\$15,844,103	\$18,557,685	\$19,250,000
<u>Fund</u>			
General	1.24	1.19	1.19
Public Resources	.18	.18	.18
Retirement	.32	.32	.32
Bond Redemption	<u>-</u>	<u>-</u>	<u>.11</u>
	1.74	1.69	1.80

Source: Fairfax Annual Budget
Reports
LeBlanc & Company

SOURCES OF FUNDS

Before discussing specific implementation techniques any further, however, it might be best to review existing and potential revenue sources for open space at various levels of government. (Some of this information may be found in ABAG's Financing Open Space).

Federal

The major federal sources are:

- o U.S. Department of Housing and Urban Development's Open Space Land Program. From fiscal years 1961-62 to 1971-72 (11 years) HUD disbursed \$28.6 million to the Bay Area. The new Federal Housing Act is expected to provide revenues for open space, but the amounts occurring to Fairfax are not known at this time.
- o Bureau of Outdoor Recreation's (Department of Interior) Land and Water Conservation Fund. The state allocates funds from this program. Since start of the program through fiscal 1972, the Bay Area has received \$13.15 million. The 52 grants ranged from under \$10,000 to more than \$2 million. Facilities supported by this program must be open to the general public. There are matching requirements and no provisions for operation and maintenance, which can mean additional costs to towns such as Fairfax. (Inability to assume operation and maintenance costs has prevented Fairfax from acquiring lands along streams with federal flood control monies.)
- o Department of Agriculture's Soil Conservation Service distributes funds for purposes of achieving a dynamic rural community. These grants would not be applicable to an area such as Fairfax.

State

Past Park and Recreation bonds, such as the 1964 Cameron-Unruh Park Bond Act and the 1970 Recreation, Fish and Wildlife Bond Act have already been used up or have been fully committed.

Other sources such as the 1971 Chappie-Z'berg Off-Highway Motor Vehicle Act and the Open Space Subvention Act (which reimburses jurisdictions for loss of tax revenue on lands placed under the Williamson Act) are not applicable to Fairfax.

Passage of the 1974 Z'berg-Collier Park Bond Act (Proposition I) will result in \$250 million"...to provide the monies for the acquisition and development of lands needed for recreation purposes". However, distribution of the monies has been held up by a lawsuit. When settled, grants to local governments will be a maximum of \$90 million. The local grants will be allocated to each county in proportion to projected 1980 population, with the exception that each county is guaranteed \$200,000. According to the State Department of Parks and Recreation, Marin County is slated to receive \$861,652. Fairfax is expected to receive about \$20,000.

County

Besides being a conduit for any federal or state grants such as the 1974 Z'berg-Collier Act, Marin County, through the recently formed Open Space District (the Board of Supervisors and the County Department of Parks and Recreation) is responsible for channeling monies raised from a countywide property tax of 10 cents per \$100 of assessed value. This tax presently produces \$800,000 per year which will rise with increases in the assessed valuation.

The County has committed to date \$1,168,120, for the following purchases:

<u>Area</u>	<u>Price</u>	<u>Acres</u>	<u>Price/ Acre</u>
San Rafael/Sleepy Hollow	\$ 60,000	9.5	\$6,316
Mill Valley	200,000	34.0	5,882
Ignacio	5,000	15.0	333
Cascade Canyon	109,000	261.0	418
Cascade Canyon	75,000	175.0	429
Cascade Canyon	187,920	45.0	4,176
Santa Venetia	71,200	32.6	2,184
Big Rock Ridge	260,000	185.4	1,402
North Ridge (Mill Valley)	200,000	154	1,299
	<u>\$1,168,120</u>	<u>911.5</u>	<u>\$1,282</u>

(The Cascade Canyon purchase includes a \$20,000 gift from the land owner, and \$130,000 from the Town of Fairfax.)

The Open Space District presently lists six areas which will receive priority for funds:

- Mt. Burdell
- Big Rock Ridge (Novato/San Lucas Valley)
- San Rafael
- San Pedro Peninsula
- North Ridge (Mill Valley)
- Ring Mt. (Tiburon)

Cascade Canyon was once a priority area, but because of the recent commitments, the area has been dropped from active consideration as a high priority area. The county estimates that in these and other areas, there is a potential \$50 to \$90 million worth of land to buy. It is unlikely that any other monies will be forthcoming from the Open Space District to the Fairfax area until these other priorities are met. However, the county may purchase land in such opportunity areas as occurred in the Ignacio parcel listed above, which was offered at a price considered well below market. Although the County has a list of policies to be followed in evaluating open space purchases, it is not unreasonable to assume that purchases will occur where the best opportunities arise. Faced with \$800,000 to expend each year and about 30 to 40 parcels under investigation, there will undoubtedly be some purchases made outside the six priority areas in the next few years, but it would not be prudent of Fairfax to rely on this for some time.

POTENTIAL REVENUE SOURCES

In their Financing Open Space report, ABAG also discussed the following potential new sources. The dollar amounts are indicators of potential tax based on 1970-71 data and include totals for the counties and cities unless otherwise noted. Actual tax revenues would be some percentage of these amounts:

<u>Source</u>	<u>Bay Area</u>	<u>Marin County</u>
Revenue Sharing ^a	\$ 37,788,000	\$ 877,000
Property Transfer Tax	\$ 3,857,000	\$ 243,794
Capital Gains Base ^b	\$ 399,500,000	\$ 30,199,000
Property Tax Base ^c	\$13,635,610,000	\$687,963,000
Sales Tax Base ^d	\$10,676,163,000	\$365,649,000
Recreational Equipment		
Sales Only	\$ 61,519,000	\$ 4,461,000
Housing Unit Charges ^e	\$ 66,614	\$ 2,909

a) 1972

b) Actual capital gains, not the tax on them

c) Assessed values, 1971-72, land and improvements; exemptions not counted

d) Taxable sales, not total sales

e) New Housing Units, 1971

Only the property tax and housing unit charges can be considered within the powers of Fairfax alone to implement. The other sources require state or federal action. Since new housing units have averaged about 34 per year in Fairfax

since the 1970 Census to January, 1974, reasonable charges on new development cannot be considered productive.

There are other sources of obtaining more revenue, but most such as the above must be instituted on a state or county-wide basis to avoid business relocations, dislocations, collective problems, and inequities.

GENERAL ECONOMIC IMPACTS ON FAIRFAX

The potential for new sources of revenue for large open space acquisitions appears very limited. However, the open space program also relies on regulations controlling development. There are also costs connected with upgrading regulations just as with taking some lands off the potential development roll, but these costs need not be exorbitant or even out of the ordinary. The open space plan by itself does little or nothing to affect these costs. It is only through implementation of the Plan that a changing cost picture can emerge. And implementation can be developed in a logical, orderly pattern based on community accepted priorities.

There are already many influences in the Fairfax Planning Area which tend to maintain open space. Large-lot zoning, particularly zoning which allows only one dwelling unit per 10 acres on up to 60 acres, already exists in the area. These parcels were bought by the present owners who have imputed knowledge of the zoning and development potential and should have been assessed on that basis. While some owners may have expected future opportunities through rezoning to higher densities, the Town or County is certainly under no obligation, legal or otherwise, to fulfill those expectations.

In fact, a jurisdiction is entitled to "downzone" other properties, for example, to change zoning which permits one dwelling unit per acre to that which permits only one dwelling unit per 10 acres or more. Such downzoning is subject to fair analysis and public hearings, of course, and cannot be applied capriciously (spot zoning) or in a discriminatory manner.

Whether (and how much) rezoning is required will depend on the wishes of the community, the particular areas involved, and other aspects of the implementation process. If a person's property is rezoned in such a manner, after due process, he may, of course, petition for a reassessment. In many cases, however, his property may already be assessed at a

low value since assessors do not always take either existing or proposed zoning into account.

Each case must be decided on its individual merits. There are numerous other conditions which affect land value such as access, fire hazards, flood hazards, slope stability, market conditions and historical precedents. These would also have to be considered.

Another issue can be raised, however, and that is the issue of exclusionary or discriminatory zoning. Fears are often raised that large-lot zoning and very strict development regulations can price the average homebuyer out of the market (if he has not already been priced out). Since we have not yet specifically applied these regulations, an exact cost estimate cannot be made. Again because of other cost and market factors plus the incremental nature of the building industry, it is virtually impossible to attribute costs accurately. For example, mortgage experts have claimed that a one percent rise in mortgage interest rates removes as many as 3.4 million families from the potential home buying group. A one-half percent rise in interest has been shown to add eight percent to monthly rents in some areas.

The price of land itself which would be affected by large-lot zoning is not the largest component of cost. For example, on recent apartment development projects, land cash cost after excluding operating costs amounted to 8.5 percent of the total. (Operating costs were 35 percent of the total.) Construction, taxes, interest and profits to the developer all took a higher percentage than land.

Strict development regulations may also increase costs but may be offset by the prevention of development in unstable areas. See discussion below under Geologic Hazards.

There are, however, other factors such as the land's capacity to absorb new development and land available for development. Table 5 shows how many acres of land have been designated suitable for consideration as open space. Within the Town of Fairfax there are approximately 75 acres of vacant and development-prone areas which have not been designated as suitable for open space. If these are developed to seven dwelling units per acre, there is a potential for 525 new units or 1,300 (2.5 persons per dwelling unit) to 1,840 (3.5) persons. There are also 91 acres outside the Town similarly designated. If these were developed, 637 units or 1,600 to 2,230 persons might be added.

The 1970 population for the Planning Area was 8,819. The addition of about 160 units in the area since the census

TABLE 5
LAND USE
ACREAGE COMPUTATIONS

	<u>Marin</u>	<u>Fairfax</u>	<u>Planning Area</u>
Suitable for Open Space in Undeveloped Area	4,423	644	5,067
Suitable for Open Space in Developed Area	96	434	530
Subtotal	(4,519)	(1,078)	(5,597)
Presently Developed Area not in Open Space Designation	126	691	817
Vacant Development Prone Area not in Open Space Designation	91	75	166
TOTAL ACREAGE	(4,650)	(1,410)	(6,050)

Source: Wallace, McHarg, Roberts and Todd
LeBlanc & Company

would increase the population to 9,200 (assuming 2.5 persons per household and no changes in vacancies or replacements). Development of the areas noted above would represent an increase of 2,900 to 4,070 or a total population of 12,120 to 13,290. This is approximately the "limit" expressed by the Town in its goals program. These crude estimates do not include potential redevelopment to higher densities of some of the 691 acres already developed in Fairfax, or the 126 acres now developed in the unincorporated areas. A 10 percent increase in density for these areas over the years could add 600 to 900 more residents. Of course, not all of the open space-designated areas would be completely development free. Ultimate population will depend on such factors as access and zoning.

Changes in zoning should be made in context with other elements of the general plan, particularly the land use, housing and circulation elements.

Present zoning in the Fairfax Planning Area is depicted in Table 6. If Fairfax were developed to its full potential (including existing development) there is a capacity for 9,356 dwelling units, or 23,390 persons under an assumption of 2.5 persons per dwelling unit. Similarly, the unincorporated areas are zoned for 1,073 dwelling units or 2,680 persons. This represents 26,070 persons or twice the "ultimate" population of 12,500. As far as zoning capacities in most cities, this is not too unreasonable a ratio, but should be examined very closely if zone changes are to be made, particularly within the town limits.

Zone changes should be made in context with other elements of the General Plan such as the land use, housing and circulation elements. Under this discussion of zoning, it should be noted that relatively little acreage should or will be specifically zoned as Open Space. Such areas should be limited to lands owned and controlled by public agencies, and/or providing active recreation or some access to the public. Other areas can be protected under traditional zoning classifications and development regulations, allowing some development by the property owner while maintaining the character and ambience of "open space."

GEOLOGIC HAZARDS

Over the years, Fairfax has suffered increasing amounts of damage due to geologic hazards, particularly in the hillside areas. While some of this damage is paid for by federal funds, it does not make good fiscal or common sense to

TABLE 6
FAIRFAX PLANNING AREA
PRESENT ZONING

<u>Zoning Classification</u>	<u>Area (Acres)</u>	<u>D.U./Acre</u>		<u>Potential D.U.'s</u>	
		<u>Fairfax</u>	<u>Marin</u>	<u>Fairfax</u>	<u>Marin</u>
OA	2,360				
A-60	990		0.017		17
R-C-R	67		0		0
CR	27	0		0	
RMP 0.1	155		0.1		16
RSP 0.25	887		0.25		222
RMP 0.5	85		0.05		43
A-2:B-4	29		1		29
RMP 1	58		1		58
R-1:B-3	23		2.2		51
R-1:B-2	18		4.4		79
R-1	80		5.87		470
R-S-7.5	440	5.87		2,583	
RS-6	670	7.3		4,891	
RD-5.5-7	48	12 ^a		576 ^a	
R-M	24	29.0		696	
R-3	2		44		88
PDD	14	8 ^b	-	112 ^b	
PD	25	0		0	
CL	12	29 ^c		348	
CH	26	0		0	
CC	10	29 ^d		150	
	<u>6,050</u>			<u>9,356</u>	<u>1,073</u>

- a) Zone permits range from 8.8 to 12.57 du's.
We have assumed 12 du/acre
- b) Could be higher or lower under planned development
- c) Density assumed to be same as R-M
- d) Density assumed to be one-half of R-M

Source: Wallace, McHarg, Roberts and Todd
LeBlanc & Company

continue construction in unstable or flood prone areas. A recent USGS report (1972) discussed the impacts of building in such areas. The USGS estimated more than \$1 million worth of damage in Marin County in 1968-69, but noted that many costs are not reflected in this figure:

"Public landslide costs should include such emergency expenses as salaries for firemen, policemen, and others responsible for protecting public health and safety, but these expenses are rarely available and are not included in this report. Most of the public landslide cost is the direct expense of repairing, restoring, or relocating roads. This includes expenses readily attributed to specific large landslides and an educated guess for smaller slides included within budgets for routine road maintenance and repair. Some expense for damage to sewer lines, street lighting, sidewalks, and other publicly owned facilities is included, but this is a small percentage of the total cost.

To further protect property or to repair existing landslides, it sometimes becomes necessary for a public agency to obtain title to privately owned land. In addition to the original cost of procurement, the agency assumes costs for erosion control, weed abatement, and other minor costs. It sometimes becomes more economical to obtain title to property and have it vacated than to attempt to maintain services which are continually disrupted by an active landslide.

Litigation results in another public cost. No figures were obtained on costs of preparing and conducting court proceedings and only limited data were available on settlement of civil suits resulting from landslide damage.

Another public cost is lost tax revenue when land is transferred from private to public ownership and therefore removed from the tax roll. Revenue loss also results from devaluation of private property because of landslide damage and a subsequent lowering of tax on the land.

Private costs are those resulting from loss of real property, improvements, and possessions. Of these three, the last two can be replaced if an individual is financially able. The first, real property, may be rendered unusable. In addition to the direct costs of repairs, property which has suffered landslide damage is often depreciated in value. Reappraisal by the tax assessor's

office which shows a difference between the fair market value had a landslide not occurred, and the valuation since one did occur, represents a loss to the property owner.

No attempt was made to put a dollar value on inconvenience such as time lost taking detours. Nor were costs explored which resulted from a home being evacuated--the cost of food and lodging, for example."

In Fairfax, the following claims of geologic damage for federal reimbursement have been made:

1966	-	\$ 25,827
1969	-	43,424
1970	-	14,099
1973	-	116,691

Source: Town of Fairfax

Undoubtedly, these costs are not complete and might be expected to increase with new construction unless preventive measures are taken.

MANAGEMENT

If the Town truly wishes to implement the Open Space Plan, some consideration should be made for the addition of a planning technician or similar function. Such a technician would assist the administrator (or others) in the following tasks:

- o Preparation of new development regulations and any changes in the zoning code as required. Might also include some inspection (with other Town personnel) to check for conformity with new regulations.
- o Preparation of other critical elements of the general plan, e.g., land use, housing and circulation elements which will affect the Open Space Plan.
- o Map changes, public hearings and public information aid with respect to general plan and its elements.
- o Analysis of specific high priority areas with respect to ownership, values, owner's intentions and very preliminary negotiations. (Will require coordination with brokers, lawyers, accountants and others if an aggressive program is to be implemented.)

- o Preparation of applications for grants and loans, plus coordination with relevant county agencies.
- o Enforcement of open space policies and development regulations. If this task is not vigorously pursued, the Plan will not serve to protect the Town's open space values.

Many of these tasks may be performed by the Town administrator and it will be his responsibility to determine the need for additional personnel subject to review by the Council. Other work may be conducted by the Open space Citizens' Committee but we do not wish to underestimate the amount of time and effort needed to implement this ambitious Open Space Element.

OPEN SPACE PRIORITIES

Given the broad range of techniques available and the general financial limitations for acquisition of open space, how should Fairfax implement the proposed Open Space Plan? While the Town through the public hearing process and other legislative procedures will be the eventual arbiter of open space implementation, the following three types of areas are recommended for first priority for open space implementation:

- o Ridgeline scenic corridors
- o Lands along stream courses
- o Visually distinctive areas as noted in the Plan

Other lands, while important, should receive lesser priority. These other lands are generally not in the path of development, have little or no access, are presently owned by public jurisdictions, have serious slope stability problems, or are already subject to large acreage zoning restrictions. While these lands cannot be taken for granted and should be reevaluated at specific intervals, it would be unrealistic, as well as financially infeasible to ensure their acquisition and perpetual dedication as open space. These lands can still be rezoned or subjected to new development regulations after adoption of the plan. Placing the large bulk of the designated open space lands in a lower priority simply recognizes the need to allocate existing efforts as efficiently as possible.

APPENDIX
FINAL DRAFT
OPEN SPACE ELEMENT
TOWN OF FAIRFAX

APPENDIX A-1

SUMMARY OF DATA MAPS

The summaries of the twelve data maps included herein are a synopsis of technical information and analysis generated during the Fairfax Open Space Element Study. The purpose of this background work was to assemble relevant data regarding the Planning Area as a basis for open space planning. Information described in the following working papers was displayed on twelve original, one of a kind, maps at a scale of one inch to five hundred feet. The base maps were produced by Aerometric Surveys from 1961 and 1966 data sources. Because of the map scale, it must be emphasized that data has been generalized and not intended as an exact replication.

DATA MAP LIST

<u>Number</u>	<u>Map Title</u>
1	Slope
2	Geology
3	Landslide Abundance
4	Slope Stability
5	Vegetation
6	Fire Hazard
7	Wildlife Habitat Diversity
8	Surface Hydrology
9	Visual Resources
10	Public and Developed Land
11	Zoning
12	Marin Countywide Plan

DATA MAP #2--GEOLOGY

A. Characteristics

This map describes the geology of the Fairfax Planning Area. In general the Planning Area consist of the Franciscan Assemblage. They consist of diverse rock types which originated in a deep ocean basin and were concurrently metamorphosed and deformed by large movements along now inactive faults. Generalized descriptions of the rock formations in the Planning Area follows:

- | | |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alluvium - | Stream deposits of sand and gravel. |
| Colluvium - | Thicker deposits of weathered rock fragments that may or may not have moved downslope; not stream deposited; includes thick accumulations of soils. |
| Chert - | Alternating beds of hard brittle chert, (SiO ₂) 1" to 5" thick, and brittle crumbly shale, 1/8 to 1/2 inch thick. Locally includes massive chert; Marine formed at depths of 8000' to 14,000' below sea level. |
| Serpentine - | Generally blue - green, fine-grained metamorphic rock, often feels soapy to touch; resistant when relatively unsheared. |
| Greenstone - | Medium to fine grained volcanic rocks, mostly originally basalt, are slightly recrystallized to yield a dull green color. Resistant when unweathered. |
| Sandstone and Shale - | Siltstone, shale to slatey shale, and various proportions of fine-grained sandstone interbeds, massive in part. |
| Franciscan Mélange - | Matrix of sheared to intensely pulverized rock material containing scattered small to large shear-resistant blocks (knockers) of various rock types, especially sandstone, greenstone, chert, serpentine and metamorphic rocks. Mélange matrix is largely ground-up sandstone and shale but also contains crushed debris |

derived from other rocks, especially greenstone, which give it different properties when present. Properties given are for Mélange matrix. Chert, Serpentine and Greenstone are considered resistant bedrock which is quite strong. Sandstone, shale and Franciscan Mélange are sheared and shattered bedrock that is quite weak, Mélange matrix being the weakest.

B. Importance

- The data represented in the Geology Map is a direct input into the determination of slope stability as reflected in the Slope Stability Map.

C. Sources

Smith, Theodore C., "1973-74 Marin Co-op", Work in Progress, California Division of Mines and Geology; July, 1974, Scale 1:12,000.

Marin Municipal Water District, Environmental Planning Study, no date.

Jennings, Charles W. and Burnett, John L.; "Geologic Map of California, San Francisco Sheet"; California Division of Mines and Geology; 1961; Scale 1:125,000.

Rice, Salem J. and Strand, Rudolph G., "Geology and Slope Stability in Marin County", California Division of Mines and Geology. Open-File Report, July, 1971.

D. Data Limitations

Data represented in this map are derived from preliminary findings, in whole or in part, of a geologic Survey presently being conducted in the Fairfax Planning Area prepared by Theodore C. Smith, Geologist, California Division of Mines and Geology. A complete and more detailed report with maps will be completed by December 1975 and should be utilized to supersede preliminary findings.

DATA MAP #3--LANDSLIDE ABUNDANCE

A. Characteristics

This map identifies areas of landslide abundance and not necessarily the actual landslides in the Fairfax Planning Area. The presence of landslides is extensive in the Planning Area. Landslides are downward and outward movement of slope-forming materials composed of natural rock, soils, artificial fills, or combinations thereof. Landslides can vary in size and have been recorded to range from a few tens or smaller to several hundred feet in the maximum dimension. Landslides can be classified as flows, falls, slumps, creep and others, but no such differentiation was made on the map.

B. Importance

Public and private damage resulting from landslides is extensive. During the 1968-69 period the recent USGS report MF-327 determined that public and private costs related to landslides were \$1,054,950. In Fairfax, landslides accounted for \$200,041 public and private costs during the period 1966-73.

The data represented in the Landslide Abundance Map is a direct input into the determination of slope stability as reflected in the Slope Stability Map.

C. Sources

Smith, Theodore C., "1973-74 Marin Co-op" work in progress, California Division of Mines and Geology; July, 1974; Scale 1:12,000.

Wentworth, Carl, Aerial Photo Interpretation of Landslides in the Bolinas Quadrangle, (not field checked), 1974, Scale 1:24,000.

D. Data Limitations

Data represented in this map are derived from preliminary findings, in whole or in part, of a geologic survey presently being conducted in the Fairfax Planning Area prepared by Theodore C. Smith, Geologist, California Division of Mines and Geology. A complete and more

detailed report with maps will be completed by December, 1975 and should be utilized to supersede preliminary findings.

DATA MAP #4--SLOPE STABILITY

A. Characteristics

The Slope Stability Map is an interpretation of the relative stability of natural slopes located in the Planning Area. The principal factors considered in making these interpretations are:

1. The Broad stability characteristics of geological materials underlying the slopes.
2. Steepness of slope
3. The presence of continuously active or intermittently active natural forces that tend to cause slope failure; i.e., gravity, erosion, etc.

These criteria have been combined to yield a 4-value relative scale for construction of the Slope Stability Map. Zone 1 is the most stable category, it is located on slopes less than 5 percent on resistant bedrock up to 15 percent underlain by highly weathered or shattered bedrock, alluvium or colluvium. Also in Zone 2 are resistant bedrock located on slopes of 15-30 percent. Zones 3 and 4 are the least stable areas and are generally located on slopes greater than 15 percent and greater as well as along stream courses. Detail description of slope stability classification is found in the matrix legend located on the Slope Stability Map.

B. Importance

The Slope Stability Map is a broad evaluation of land stability patterns used in the preparation of the open space concept. The map is not intended to be used for evaluation of individual sites in the place of detailed engineering geologic studies necessary for proper site planning of specific construction projects.

C. Sources

Smith, Theodore C., Geologist, California Division of Mines and Geology, Verbal Communication, July, 1974.

Rice, Salem J. and Strand, Rudolph G.; "Geology and Slope Stability in Marin County, California"; Division of Mines and Geology; July, 1971.

WMRT, "Slope of the Fairfax Planning Area", Map #1, 1974.

WMRT, "Geology of the Fairfax Planning Area", Map #2, 1974.

WMRT, "Landslide Abundance of the Fairfax Planning Area", Map #3, 1974.

.D. Data Limitations

Data represented in this map are derived from preliminary findings, in whole or in part, of a geologic survey presently being conducted in the Fairfax Planning Area prepared by Theodore C. Smith, Geologist, California Division of Mines and Geology. A complete and more detailed report with maps will be completed by December 1975 and should be utilized to supersede preliminary findings.

DATA MAP #5--VEGETATION

A. Characteristics

This map describes vegetation in the Fairfax Planning Area. Indicated are the categories of hardwood, conifer-hardwood, shrub and grassland.

1. Hardwoods are comprised of:

Black Oak (*Quercus kelloggii*)
Canyon Oak (*Quercus chrysolepis*)
Live Oak (*Quercus agrifolia*)
Tan Oak (*Lithocarpus densiflora*)
White Oak (*Quercus lobata*)
California Bay (*Umbellularia californica*)
Chinquapin (*Castanopsis chrysophylla*)
Pacific Madrone (*Arbutus menziesii*)
Mixed hardwoods (mixtures may include any of the
above as well as California Buckeye)
(*Aesculus californica*)
Exotics (*Eucalyptus* spp.)

2. Conifer-Hardwoods are defined as the occurrence of Redwood and Douglas Fir with Canyon Oak, Tan Oak, Madrone and Bay. In this category, conifers make up 50 to 75% of the tree crown cover.

3. Shrub vegetation falls into the following categories:

Ceanothus-Leather Oak-Manzanita (*Ceanothus jepsonii*,
Quercus durata, *Arctostaphylos montana*)

Chamise (*Adenostoma fasciculatum*)

Chaparral Oak (*Quercus wislizenii frutescens* makes
up 50% or more of the shrub crown
cover.)

Baccharis (*Baccharis pilularis*)

Huckleberry (*Vaccinium ovatum*)

Mixed shrub (Less than 75% of shrub crown cover is
made up of Manzanita and Chamise and
less than 50% of the shrub crown cover
is Chaparral Oak)

4. Grassland is comprised of the categories of:

Perennial Grass

Annual Grass

Mixed-grass (Less than 75% of the grass crown cover is made up solely of perennials or of annuals.)

B. Importance

Vegetation data are a necessary factor in identifying areas suitable for open space. The Conifer-hardwood vegetation classification represents a unique and heritage vegetation and visual resource of the Planning Area and is reflected on the Visual Resources Map. Certain data were extracted from the Vegetation Map and used to generate interpretive maps including the Wildfire Hazards Map and the Wildlife Habitat Map. Vegetation is significant in determining wildfire hazard areas as some species and varieties of plant material burn with greater intensity and at faster rates than others. The determination of wildlife habitat diversity is also a function of the vegetation of the area. For example, areas of riparian vegetation and high hardwood concentration are indicative of a great diversity of wildfire habitat.

C. Sources

Marin Municipal Water District, Environmental Planning Study, no date.

Zinke, Paul J., "Generalized Soil-Vegetation Survey", 1970.

WMRT, Air Photo Interpretation, not field checked, 1974.

DATA MAP #6--WILDFIRE HAZARD

A. Characteristics

The map delineates areas of extreme wildfire hazards. The characteristics of this classification are lands of grassland or shrub vegetation and slopes of 31 percent and greater affording limited access and inavailability of adequate fire fighting water supply.

B. Importance

Substantial portions of the Planning Area are designated areas of extreme wildfire hazard. Numerous wildfires have occurred in the Planning Area. The most recent notable wildfire occurred in the Boy Scout lands in June of 1973 in which over 100 acres of shrub and grassland were consumed. Fortunately no one was injured, nor was any substantial property damage incurred. The presence of wildfire hazards should be a major consideration in determining lands suitable for open space thereby protecting the public health and safety from the potential of the results of a major conflagration.

C. Sources

Thornton, Thomas, Fire Chief, Town of Fairfax, Verbal Communication, July, 1974.

WMRT, "Slope of the Fairfax Planning Area", Map #1, 1974.

WMRT, "Vegetation of the Fairfax Planning Area", Map #5, 1974.

DATA MAP #7--WILDLIFE HABITAT DIVERSITY

A. Characteristics

The Wildlife Habitat Diversity Map is a generalized map indicating the diversity of potential habitats within the Planning Area. Potential diversity was specified as areas of greatest diversity to areas of least diversity which is indicated primarily as a function of vegetation type. Directly influencing that diversity of wildlife habitat is the degree of urbanization to be found within or adjacent to an area.

For mammal and bird populations, hardwood forests, conifer hardwoods, and riparian zones (native vegetation areas directly adjacent to water bodies) have the greatest diversity. The hardwood type is the most productive of terrestrial habitats. In most cases it provides a mixture of plant species, and a diversity of food items and habitat niches. Where hardwoods are intermixed with shrubs with a grass understory, wildlife benefits are greatest.

As shown on the map, shrub and shrub/grassland vegetation type indicate areas of intermediate diversity of wildlife habitat. These areas are particularly lacking in bird and larger mammal habitats since the nesting and escape cover potential is not as great as within the hardwood tree areas.

Grassland, dense stands of conifers and, of course, areas of urbanization are usable only by certain special animal populations and are therefore areas of least diversity of grasslands and because little usable food is produced in dense stands of conifers, they too have a low diversity. However, within the planning area there are virtually no dense conifer areas since this type is found intermixed with the hardwood forest adding to the already high diversity of that type.

B. Importance

The Planning Area presently has a great deal of diverse wildlife habitats but, with population growth and increased urbanization, pressure upon these habitats will increase. The Wildlife Habitat Diversity Map is an important indicator of the present and future stability of the diminishing wildlife resource. That resource is of significant value to the residents of the Planning Area and adjacent regions. Recreational activities such as hiking camping, picnicking and photography are all

DATA MAP #8--SURFACE HYDROLOGY MAP

A. Characteristics

The Surface Hydrology Map identifies the stream courses and their watersheds as well as flood prone areas in the Fairfax Planning Area. The Planning Area is located in the upper reaches of the Ross Valley Watershed. Major streams in the Planning Area are the Fairfax and San Anselmo Creeks. The area draining into these creeks constitutes the two major watersheds within the Planning Area. Numerous other streams and minor watersheds appear on the map. The flood prone area shown on the map has 1 in 100 or 1 percent chance on the average of being inundated during the year.

B. Importance

Surface hydrology data is an important factor in open space planning. Stream courses and their watershed define the physiographic districts of the Planning Area. The boundaries of the watersheds also demark the major ridge-lines of the Planning Area. Stream courses are reflected in numerous other interpretative data maps including visual resources and wildlife habitat. The identification and delineation of flood prone areas are important as they represent a potential hazard to the public health and safety. The flood prone area represented on the map is limited to the area adjacent to the confluence of the San Anselmo and Fairfax Creeks. Major improvements in the flood plain include Fairfax's Central Area, municipal offices, residential areas and some open lands. During the April, 1958 flood, a Town employee lost his life while removing debris from a trash rack on Fairfax Creek. In the past, flood damage has represented a major public and private cost. During the period 1966 through 1973 the Town incurred \$200,008 in public and private flood damage. Unfortunately, this figure is somewhat misleading as it does not differentiate between flood and other geologic hazard damage such as landslides. The past federal and state policy of providing disaster relief to cover flood damage, as in the case of Fairfax, without any limitations on rebuilding has not discouraged building in flood prone areas. The recent National Flood Insurance Program of the Federal Department of Housing and Urban Development modifies this posture in that flood insurance payments will be made only once, and insured structures are not to be rebuilt in recognized floodprone areas.

C. Sources

_____, "Map of Flood Prone Areas", San Rafael Quadrangle, United States Geological Survey, 1972;

_____, "Storm Drainage Study for the Fairfax Area", Marin County Flood Control and Water Conservation District, October, 1966.

_____, "Survey Report for Flood Control and Allied Purposes, Corte Madera Creek", U.S. Army Engineer District, September, 1961.

D. Data Limitations

The flood prone areas delineated by the Geological Survey were based on readily available information. Detailed flood prone areas are being delineated by the U.S. Department of Housing and Urban Development and are scheduled for completion in 1985. However, prior to completion preliminary reports will be made available to the Town.

INTRODUCTION

STATE REQUIREMENTS

Open space is one of nine elements required by the State of California for the Town's general plan. Once adopted, all future development must be consistent with the Open Space Element. Section 65567 of the State Government Code states that:

"No building permit may be issued, no subdivision map approved, and no open space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open space plan."

The State also requires the preparation and adoption of an "open space zoning ordinance" (Section 65910), which can be interpreted to mean the design of a zoning approach that protects the Town's open space resources.

DEFINITION OF OPEN SPACE

Open Space is defined in Section 65560, paragraph (G) of the Government Code as follows:

"Open space land is any parcel or area of land or water which is essentially unimproved and devoted to an open-space plan as any of the following:

1. Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
2. Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

3. Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

4. Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality."

Of particular concern to the Town of Fairfax are the portions of the State's open space definition which relate to the protection of public health and safety, preservation of natural resources, and outdoor recreation.

SETTING

The Fairfax Planning Area is located in the headwaters of the Ross Valley Watershed. It is geographically and visually defined by prominent ridgelines which separate it from adjacent communities in Marin County. Numerous other factors combine with the ridgelines to create an open space environment that is potentially one of the most striking in the Bay Area. The total area is a little less than ten square miles in size, of which about fifteen percent is currently urbanized. The undeveloped areas are predominantly steep slopes of grassland or oak woodlands with a relatively low population density. The Town itself is located in two valleys traversed by the San Anselmo and Fairfax Creeks, with the commercial core situated at the confluence of these two watercourses.

NATURE OF THE PROBLEM

Fairfax presently conveys an image that is in marked contrast to that of most communities in the Bay Area, where natural barriers between towns have repeatedly been violated by urban inroads. It is this setting and the intrinsic values manifested by various types of open space that

the Town wishes to preserve. Much of this natural setting could conceivably fall to the pressures of urban development. If this were to occur, the form of the Town could easily be absorbed by the urban sprawl that is presently characteristic of several municipalities in the eastern part of Marin County. Fairfax residents would then be forced to travel to enjoy the benefits of open space. Local open space would be gone and the large regional areas in central and western Marin County would be forced to satisfy some of the Town's needs that can now be met on a daily basis within the Planning Area.

The area's abundance of open land is one of the factors that motivates people from distant employment centers to settle in Fairfax. However, by moving to Fairfax they ultimately help to diminish the very qualities of the Town that originally attracted them. This engenders a reaction from the area's residents to take action to preserve the Town's character. These events are most likely to occur when urban development is not designed with respect of the needs of environmentally sensitive areas.

PLANNING PROCESS

The preparation of the Open Space Element consisted of six principal work tasks:

1. Identification of the Town's open space goals
2. Analysis and description of the Planning Area's natural and cultural characteristics
3. Formulation of an open space concept
4. Preparation of Plan objectives and specific policies that are designed to promote the open space concept
5. Suggesting approaches toward Plan implementation
6. Assessing the economic implications of the Open Space Element

In essence, the scope and intent of the Open Space Element is to provide the Town with a municipal management plan for preserving open space resources of value to the Town's inhabitants.

GOALS

Various characteristics of open space contribute to the quality of life in the Fairfax Planning Area. Out of concerns to preserve these characteristics arose nine goals which have served as a framework directing the Fairfax Open Space Study. They are the result of citizen input, contact with public and quasi-public agencies affecting the Fairfax Planning Area, and review by the Town Planning Commission. The goals ultimately chosen by the Open Space Citizens' Committee and the Planning Commission are:

1. Respect the natural capability of all lands in the Fairfax Planning Area
2. Protect the public health and safety from the threats of natural hazards
3. Safeguard the Town's open space visual landscape amenities
4. Preserve open space greenbelts which define the Fairfax Planning Area and identify its neighborhoods
5. Secure an open space network that is both part of the urban fabric of Fairfax and connected to the Countywide open space system
6. Provide for low-impact recreational uses on appropriate open space lands
7. Maintain conformity with the "Marin Countywide Plan"
8. Provide and enhance open space in the urbanized portions of the Fairfax Planning Area
9. Preserve specific parcels as open space which define neighborhood character in the urban portion of the Town

LIST OF APPENDICES

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HOUSING ELEMENT

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DATA MAP #9--VISUAL RESOURCES

A. Characteristics

The visual resources in the Planning Area were defined and represented on the map in terms of the following classifications.

- o Ridges
- o Ridgeline Scenic Corridors
- o Stream Courses
- o Scenic Highways
- o Gateways
- o Vista Points and Views
- o Visually Distinctive Areas
- o Conifer-Hardwood Concentration

By far the most distinctive visual resource of the Planning Area is its topographic relief of ridges with steep slopes which define narrow valleys in which are located numerous perennial headwater streams of the upper Ross Valley watershed. The ridges define the Planning Area's residential neighborhoods which are clustered in the valleys or perilously cling to the valley walls. The ridgeline scenic corridor is composed of the ridgeline and uppermost elevation of the valley walls. The ridgeline is the most important visual element in the Fairfax Planning Area. The ridgeline scenic corridor is defined by that area 45 feet below the elevation of the ridgeline (45 feet is being used because it is the allowable building height in the Town of Fairfax for slopes of 10 percent and greater; for slopes of 10 percent and less the building height is 35 feet). Any structure located on the ridgeline or ridgeline scenic corridor represents a potential reduction of their visual value.

The stream courses represent a major visual value to the residents of the Planning Area. Stream courses possess the visual amenity of the water features as well as thick riparian vegetation abundant in diverse wildlife. The stream courses serve as both a unifying and dividing element in the neighborhoods of the Planning Area.

The observer is most cognizant of visual resources in the Planning Area while motoring on Sir Francis Drake Boulevard and Bolinas Road. From our field inspection these two roads were designated as scenic highways. While traversing these two roads enroute to the Planning Area, the observer will be aware of his arrival at several visually recognizable gateways located on the perimeter of the Planning Area.

These major gateways are located as follows;

- o Sir Francis Drake Boulevard at the San Anselmo/
Fairfax Town Limits
- o Sir Francis Drake Boulevard at the base of Loma
Alta
- o Bolinas Road at Meadow Country Club

These gateways are natural breaks or passes in the ridgelines which define the Planning Area.

Other visual features which can be observed from the scenic highways are major vistas and visually distinctive areas. The major vistas catalogued in this inventory only include those afforded from the aforementioned scenic highways. Most vistas are considered to be long views and the most noteworthy among them are vistas defined by the major gateways and vistas of visually distinctive areas described below. Certain areas of the Planning Area are described as being visually distinctive and represent a special visual value to the Town's residents. Generally, but not exclusively, these areas are defined as sparsely vegetated ridges that when contrasted with the densely vegetated valley walls represent a distinctive visual feature. The areas designated as visually distinctive which appear on the data map include the following features or parcels:

- o Loma Alta Peak or Circle V Ranch
- o Town of Fairfax Redwood Park
- o Bald Mountain
- o Upper Elevation of Sky Ranch
- o Grass covered ridge portions of the Wall-Poeshell-Getz Tract
- o Portion of the Johnson Tract located at Sir Francis Drake and Fairfax/San Anselmo Town Limits Gateway
- o Portion of the Hall Property located on the grassy knoll behind Cala Market
- o Heavily vegetated portion of the Buon Gusto Tract which borders Sir Francis Drake

An additional visually distinctive feature of value to the residents of the Planning Area is the concentrations of redwood trees generally appearing in a mixed forest designated as conifer-hardwood vegetation type on the Vegetation Data Map. The redwoods represent a limited vestige of the vegetation heritage of the Planning Area that existed prior to the extensive logging which took place circa 1850. The Town's Redwood Park is an indication of the value with which the Town regards this resource.

B. Importance

The visual resources of the Fairfax Planning Area are exceedingly unique and make it one of the most desirable places in Marin County and the Bay Region in which to live. These visual resources are of recognized value by the residents of the Planning Area and therefore should be reflected in the Open Space Element of the General Plan.

C. Sources

Egger, Frank and Beighley, Jane, Verbal Communication, July 25, 1973.

_____ ; "Report of Citizens' Committee for the Review of the Fairfax General Plan", June 1973.

WMRT, Field Reconnaissance, July, 1974.

WMRT, "Vegetation of the Fairfax Planning Area", Map #5, 1974.

WMRT, "Surface Hydrology of the Fairfax Planning Area", Map #8, 1974.

DATA MAP #10--PUBLIC AND DEVELOPED LAND

A. Characteristics

Shown on this map are lands in public ownership, lands slated for public purchase by the Marin County Open Space District, holdings of the Marin Municipal Water District, and lands presently developed. The balance of the planning area is not in public ownership and not urbanized.

B. Importance

Public ownership and developed, or urbanized, land are important in determining the framework of action possible for an open space plan. An accurate mapping of existing urbanization indicates, by default, those lands that still might be preserved in their natural state. Public ownership indicates those parcels which can easily be integrated into an open space system, unless their designated public use precludes that possibility.

C. Source

_____; Developed Land Map, "Report of the Citizens' Committee for the Review of the Fairfax General Plan", June, 1973.

D. Data Limitation

This map was generated from the 1973 Marin County Assessment Roll and requires periodic updating.

EXISTING ZONING

(Town of Fairfax)

- RS-7.5 Single Family Residential--Medium Density
Minimum Site - 7,500 sq. ft. (on a slope of 10% or less). Above 10% a scale is applied.
- Maximum Density -
5.8 d.u.'s/acre*
- RS-6 Single Family Residential--High Density
Minimum Site-6,000 sq. ft. (on a slope of 10% or less). Above 10% a scale is applied.
- Maximum Density -
7.3 d.u.'s/acre
- RD-5.5-7 Residential Zone--High Density
Permits SF, Duplex (minimum of 7,000 sq. ft.) and a Boardinghouse or Lodginghouse (not to exceed five guests).
- Minimum Site--SF (5,500 sq. ft. on a slope of 10% or less)
Duplex (7,000 sq. ft. on a slope of 10% or less).
- Maximum Density -
7.9 d.u.'s/acre for SF
12.4 d.u.'s/acre for Duplexes
- RM Multiple Family Residential
Permits Multiple Dwellings and Apartment at a density of one living unit for each 1500 square feet of land area
- Minimum Site--7,500 square feet (on a slope of 10% or less)
Building sites with more than 3 d.u.'s must have at least 300 sq. ft. open space for each d.u.
- Maximum Density -
20 d.u.'s/acre for apartments.

*Note: One Acre = 43,560 sq. ft.
d.u. is the abbreviation for dwelling unit.

- CC Central Commercial Zone
Should contain the most valuable land and structures,
on a square foot basis, of any zone in the City.
- No building site requirements.
Height limitation of two stories or 35 ft.
- CH Highway Commercial Zone
Designed to cater to automobile traffic rather
than to pedestrian traffic.
7500 sq. ft. minimum building site
Height limitation of 35 ft.
- CL Limited Commercial Zone
Uses are oriented to services rather than to the
retail sale of commodities
20,000 sq. ft. minimum building site
Height limitation of 35 ft.
- CR Commercial Recreation
Provides a location for private, as opposed to
publicly owned or operated, recreation facilities.
Permits uses such as a golf course, country club,
amusement arcade, carnival, and resort hotel.
Structure cannot cover more than 10% of the area.
- PDD Planned Development Zone
-Requires a minimum of 5 acres (Planning Commission
and City Council can allow a planned development
on less than 5 acres under certain circumstances).
-PDD encourages variation in siting of buildings
and the appropriate mixing of several land uses,
activities and dwelling types.
-Standards for area, coverage, light and air
orientation, site planning, density, yard require-
ments, open spaces, parking and screening shall be
governed by the standards of the residential,
commercial or industrial zoning district(s)
most similar in nature and function to the pro-
posed PDD use(s), or by standards which the
Planning Commission shall by resolution from
time to time adopt.
-Under certain conditions (for development not
combining building types) the maximum density
may be 125% of that normally permitted.
-Under certain conditions (for development not
combining building types) the maximum density
may be 115% of that normally permitted.

Public Domain

-Not specified-

EXISTING ZONING
(Marin County)

<u>R-3</u>	<u>Multiple Residence Districts</u> 7500 sq. ft. minimum (May be more than one dwelling on one lot) 1000 sq. ft. per d.u. (43.6 d.u.'s/acre)
<u>R-1</u>	<u>One Family Residence Districts</u> 7500 sq. ft. minimum building site (5.8 d.u.'s/acre)
<u>R-1:B-2</u>	<u>One Family Residence Districts</u> 10,000 sq. ft. minimum building site (4.4 d.u.'s/acre)
<u>R-1:B-3</u>	<u>One Family Residence Districts</u> 20,000 sq. ft. minimum building site (2.2 d.u.'s/acre)
<u>RSP-0.25</u>	<u>Residential, One-Family Planned Districts</u> S.F. Detached units designed without the confines of specific yard requirements
<u>R-C-R</u>	<u>Resort and Commercial Recreation Districts</u> No specific density
<u>A-2</u>	<u>Limited Agricultural Districts</u> 2 acre minimum building site
<u>A-2:B-4</u>	<u>Limited Agricultural Districts</u> 1 acre minimum building site (1 d.u./acre)
<u>A-60</u>	<u>Agricultural and Conservation Districts</u> 60 acre minimum building site
<u>O-A</u>	<u>Open Area Districts</u> Permitted uses are: <ol style="list-style-type: none">1) Public uses--parks, play-grounds and recreation areas.2) Crop farming, truck gardening, grazing.3) Golf courses, country clubs, forest preserves, wildlife reserves, equestrian and hiking areas.4) Dairy (50 acre minimum).5) List of others which need a use permit.

ADOPTED REZONING (9/13/74)
(Marin County)

RMP - Residential, Multiple Planned District

RMP allows either attached or detached dwelling units. Marin County feels that the RMP district offers maximum flexibility in site planning and can assure that placement of structures will not mar the open space value of the land.

RMP 1 1 d.u./1 acre

RMP 0.1 1 d.u./10 acres (large parcels, now totally in open space)

RMP 0.5 1 d.u./2 acres (smaller parcels)

RSP - Residential Special Purpose

Some large parcels zoned RSP 0.25 in the Cascade Canyon area are under option for public purchase as open space. Once acquired, they will be rezoned O-A (Open Area District).

D. Sources

Town of Fairfax, "Adopted Zoning Ordinance and Zoning Map", 1968.

Mapped data came from a one-of-a-kind map at the Town Hall. The base used was one prepared by the Marin Municipal Water District, December 12, 1919.

Marin County Planning Department, "Zoning--Marin County Code", August 4, 1969.

Mapped data came from Zoning book and maps on file at the Marin County Planning Department.

Marin County Planning Department, Memorandum concerning an "Open Space Rezoning Field Trip: Upper Ross Valley", May 28, 1974.

Marin County Planning Department, "Negative Declaration of Environmental Impact Corte Madera Creek Watershed Open Space Area Rezoning", June 24, 1974.

DATA MAP #12--MARIN COUNTYWIDE PLAN

A. Characteristics

This map designates the Ridge and Upland Greenbelt zone and Stream Conservation Zone interpreted from the "Marin Countywide Plan", 1973.

B. Importance

The "Marin Countywide Plan" has adopted an ambitious approach toward open space preservation and the structuring of urban growth. The three major problems identified in the Plan concern:

1. Limiting population growth and attaining a social mix
2. Building an employment base within the County
3. Guaranteeing environmental quality

Out of these concerns grew the "Marin Countywide Plan", which designates large portions of the County as open space. Fairfax is concerned primarily with the Ridge and Uplands Greenbelt Zone. This is the category under which most of the County designated open space in the Fairfax Planning Area falls. Rezoning is currently in process to retard development in this zone. The basis for designating these lands open space is that of aesthetics. Most of the land in this category is visually prominent and serves to separate communities. The County's attorney feels that the trend of recent court decisions indicates that zoning for aesthetics is permitted under state law. This form of aesthetic zoning has not been challenged in court as of this date, making it difficult to state absolutely the permanence of the designation.

Anyone who proposes development greater than one dwelling unit in unincorporated land in the Ridge and Uplands Greenbelt Zone must present a master plan for the area to be subdivided. This project Master Plan must demonstrate land capabilities that are suitable for development. The burden of proof is upon those proposing development to show that it is acceptable.

Some of the open space areas the County has designated fall within incorporated areas. As a result, the County is seeking the aid of local governments in the implementation of its "Countywide Plan" through:

1. Zoning
2. Ordinances to ensure low and moderate income housing in large new developments
3. Local Environmental Protection Committees
4. Inducements to developers to encourage desirable projects. These inducements would take the form of density bonuses, tax reduction bonuses, and variances in building codes. They would be given in return for such things as extra moderate income housing and unusually good design.

C. Sources

The areas mapped are based on a detailed interpretation of the Marin Countywide Plan by Brian Wittenkeller of the Marin County Open Space District. The statements given above on the importance of the Plan are based on study of the Plan itself and an interview with Marjorie Macris and Sol Silver of the Marin County Planning Department, June 19, 1974.

APPENDIX A-2

IMPLEMENTATION ABSTRACTS

The following techniques are the primary means by which open space can be preserved. Not included are various ordinances which related to construction standards and regulations (grading, creek setback, ridgetop, tree cutting and other ordinances). These were discussed more specifically under recommendations. This section is not meant to be an all inclusive tabulation, but should serve to demonstrate the variety of techniques available to preserve the Plan's open space types. The more detailed research involved in writing the specific ordinances will, in all likelihood, reveal other techniques or variations on the following.

Large Lot Zoning

A common approach to preserving open space is large lot zoning. Its proponents usually hope to either discourage development or so diffuse it as to maintain an open character to the land. Unless the density is extremely low (such as 1 d.u./10 acres or more), this approach usually fails to preserve the land's open and natural character. Also, it can result in a dispersed development pattern that is both costly to service and prohibitively expensive for low and moderate income people.

Cluster Zoning (Planned Unit Development)

Cluster zoning establishes a maximum density for an area, and then permits the Town flexibility in working with developers to determine where development should be sited and what areas should remain in open space. The development can be clustered on the least environmentally sensitive portions of the site and the remaining open space either dedicated to a property owner's association or dedicated to the Town (or a combination of both). This approach has gained increasing favor with both developers and municipalities in recent years. It offers high potential for preserving open space while still allowing an increase in the housing supply.

Natural Resource Zoning

The Town could establish zoning restrictions in areas designated "open space for the protection of the natural environment." These would require that a finding be made (prior to permit approval for a proposed development) that there will be no significant adverse impact to the natural resource indicated

on the Suitability for Open Space Map. This finding could be part of the environmental impact review process. The option to cluster development should be provided in natural resource zones.

Public Health and Safety Zoning

In the Fairfax Planning Area, hazards have been identified for urban development in reference to areas of unstable slopes and flood prone areas. Zoning can be established in these areas based on public safety considerations. The zoning for areas of unstable slopes could prohibit large scale urban development, particularly that which requires extension of public facilities to hazardous areas. Only a low impervious surface ratio * should be allowed and a grading ordinance should be used to prevent extensive terracing and destruction of natural slopes. Flood plain zoning could require flood proofing for new structures in the urban core and allow only low intensity uses (such as agriculture and certain forms of recreation) in the nonurbanized portions of the flood plain. When zoning for unstable slopes or for flood plain zoning, the burden of proof should be on those proposing development to demonstrate that the public health and safety will not be adversely affected. Clustering of development may often be the only feasible approach toward construction in areas of public health and safety.

Specific Plan

A specific plan is a detailed plan prepared by a municipality that demonstrates in advance to potential developers the specific conditions that must be met prior to approving a development proposal. It allows local government to take a more positive role in dealing with developers, rather than merely reacting to their proposals. The City of Fremont has used this approach extensively. It would require considerable effort and manpower for a Town such as Fairfax.

Enforceable Restrictions

Lands placed under enforceable restrictions have certain restraints placed on their use. The restrictions can limit use to only those that are compatible with preservation of open space, making possible tax assessment based on the land's open space value rather than its market value, thereby offering a property tax advantage to private landowners. The Williamson Act (California Land Conservation Act) is the primary example.

*The impervious surface ratio is a measure of all manmade construction. A highly impervious surface occurs where water does not readily penetrate, such as sidewalks, streets, driveways, patios and buildings.

of this approach. Designed primarily to preserve agricultural land it can also be applied to open space lands. The Act allows localities to enter into contract for the preservation of open space. For example, Marin County offers two categories of open space contracts. The first being a deed of scenic restriction and the second an open space easement which must cover a minimum term of ten(10) and twenty (20) years respectively. The Town of Fairfax could implement this approach to land suitable for open space within its jurisdiction.

Gift of Full Fee

Donation of open space land to a public body can have advantages for the property owner. Under one approach, the donor can retain his property for life, with the gift becoming effective upon his death. Federal tax benefits can also be derived from public donations.

Negotiated Dedication

The Town of Fairfax is authorized under the provision of the State Subdivision Map Act to pass an ordinance requiring the dedication of parkland, or the payment of a fee in lieu of dedicating land, at the time a subdivision map is approved.

Leases

The state permits open space land to be acquired by lease. This is normally a temporary device, although a degree of permanence can at times be secured when land is leased from another government body.

Transfers of Ownership

When the lands of one public agency are no longer needed and become surplus, ownership is at times transferred from one public agency to another at discounts ranging up to 100 percent.

Purchase-Leaseback

Local government can acquire title to land (usually through purchase) and lease it back to either the original owners or other parties with restrictions placed on its use. When this approach is used to preserve open space, it is best suited for lands with productive value (particularly agricultural land). Revenue bonds can be used to finance the original purchase and in turn retired by the lease income.

A public election is not required in order to use such revenue bonds, although their interest rates are higher than general obligation bonds.

Purchase-Resale

In purchase-resale, as opposed to purchase-leaseback, the land is resold to a private party subject to a covenant that protects the open space value of the property.

Installment or Delayed Purchase

Under this approach, the Town would enter into an agreement with the current landowner to purchase a certain number of acres per year at a fixed price. A variation of this concept is to purchase options on a property with the purchase being consummated at a later date at a price agreed upon at the time of the option agreement. If the Town failed to purchase the land within a specified period of time, it would lose the amount paid for the option.

Excess Condemnation

This approach involves purchasing more land than is actually necessary for a public project, with the excess being used and maintained as open space.

Advance Purchase

Advance purchase is the acquisition of land prior to the actual time of need, taking advantage of the lower building costs prevalent prior to the surrounding land being urbanized. This approach could be used to secure open space, primarily active recreation or park space, that future development will require.

Assessment Districts

Property owners can set up assessment districts for areas adjacent to them similar to districts now formed for street and sanitary system improvements which are considered as benefiting specific local areas.

DATA MAP #11--ZONING (Permitted Land Use)

A. Characteristics

This map indicates both that zoning which presently exists in the Fairfax Planning Area and adopted zoning which will take effect on September 13, 1974 in some of the unincorporated areas in order to secure consistency with the adopted Marin Countywide Plan.*

B. Importance

Zoning is one of the primary means by which an open space plan can be translated into reality. Unfortunately it is a tool that has seldom been used effectively in the past, but recent developments have given promise to its becoming an increasingly integral part of implementation. Primary among those events responsible for the growing attention being paid to zoning is that every city and county in the State of California must prepare and adopt an open space zoning ordinance consistent with the local open space plan by December 31, 1973 (Section 65910, Government Code). Fairfax has failed to meet that deadline.

An examination of existing zoning in the Fairfax Planning Area reveals that some of the lands which might be proposed in the Open Space Plan to be preserved in their open space state have, in fact, already been secured from development through the use of restrictive land use controls in the unincorporated portions of the Planning Area. Particularly restrictive are the categories OA (Open Area District) and A-60 (Agricultural and Conservation District). The R-C-R (Resort and Commercial Recreation District) classification of Marin County and the CR (Commercial Recreation) classification of the Town of Fairfax can also be considered relatively restrictive. However, R-C-R and CR do permit some uses that change the actual character of open space land, one example being golf courses. Another category, RSP-0.25 (1 d.u./4 acres), yields a density that would normally be considered low, but in the context of open space is not always restrictive enough to preserve or protect some of those features considered essential to the Proposed Open Space Plan.*

*Marin County has recently rezoned a number of large parcels in the Fairfax Planning Area RSP 0.25. Under their present policy, these lands would be zoned RMP 0.1 (1 d.u./10 acres). However, the County Planning Department is not recommending another rezoning. But the planning staff will subject the RSP 0.25 parcels to careful analysis in the master plan review process to protect open space values. Those parcels zoned RSP 0.25 in the Cascade Canyon area that are under option for public purchase as open space will be recommended to O-A (Open Area District) when they are rezoned.

C. Data Sources

The data displayed on the Zoning Map are explained in this section. The Zoning Map should not be assumed to be totally accurate in displaying zoning information in that there were discrepancies on the various bases used as data sources.

EXISTING ZONING (Fairfax Planning Area)

Unincorporated Area (Marin County)

Incorporated Area (Town of Fairfax)

<u>Category</u>	<u>Minimum Site</u>	<u>Category</u>	<u>Minimum Site</u>
OA			
A-60	60 Acres		
R-C-R	Not specified	CR	10% Maximum Coverage
RMP 0.1	10 Acres		
RSP-0.25	4 Acres		
A-2	2 Acres		
RMP 0.5	2 Acres		
A-2:B-4	1 Acre		
RMP 1	1 Acre		
R-1:B-3	20,000 sq. ft.		
R-1:B-2	10,000 sq. ft.		
R-1	7,500 sq. ft.	RS-7.5	7,500 sq. ft.
		RS-6	6,000 sq. ft.
		RD-5.5-7	S.F.-5,000 sq. ft.
			Duplex-7,000 sq. ft.
R-3	7,500 sq. ft. (1,000 sq. ft./d.u.)	RM	7,500 sq. ft. (1,500 sq. ft./d.u.)
		PDD	Standards vary
		Public Domain	Not Specified
		CL	20,000 sq. ft.
		CH	7,500 sq. ft.
		CC	Not Specified

SCENIC HIGHWAYS ELEMENT
OF THE
FAIRFAX GENERAL PLAN

I. INTRODUCTION

A. Purpose and Scope

The purpose of the scenic highways element of the general plan is to identify those roadways within the planning area that traverse an area of high scenic value. The scenes from the roadway can either be rural or urban. In either case the lands adjacent to the highway would be subject to site planning, sign regulation, landscaping and design control.

This element will identify only those roadways which should be designated scenic highways and will include a recommendation for a system of bicycle paths to traverse the Town's scenic corridors.

B. State Law

Government Code Section 65302(h) requires all city and county general plans to include a scenic highways element. This element of the general plan shall identify the scenic highways and provide for their development, establishment and protection.

SCENIC HIGHWAYS ELEMENT

C. Relationship to Other Elements

The scenic highways element relates directly to the open space and circulation elements and indirectly to the land use element. It relates more directly to the concept of community design, which is not a mandated element of the general plan.

Its strongest relationship is with the open space element inasmuch as the scenic corridor, by definition, will traverse significant natural and urban open space areas.

II. ASSESSMENT AND IDENTIFICATION OF SCENIC HIGHWAYS

The Open Space Element of the Fairfax General Plan identifies areas of high visual resource and recommends the establishment of two of the Town's roadways as scenic highways. The Visual Resources Map of the Open Space Element is incorporated herein as part of the Scenic Highways Element. This map identifies the scenic highways, gateways to the community and areas of high visual value.

The motorist is most cognizant of visual resources in the planning area while motoring on Sir Francis Drake Blvd. and Bolinas Road. While traveling on these two roads the observer will be aware of his arrival at several visually recognizable gateways located on the perimeter of the planning area. These major gateways are natural breaks or passes in the ridgelines which define the planning area and are located

SCENIC HIGHWAYS ELEMENT

as follows:

- . Sir Francis Drake Blvd. at the San Anselmo/Fairfax Town limits.
- . Sir Francis Drake Blvd. at the base of Loma Alta.
- . Bolinas Road at Meadow Country Club.

Other visual features which can be observed from the scenic highways are major vistas and visually distinctive areas. Generally, but not exclusively, these areas are defined as sparsely vegetated ridges that when contrasted with the densely vegetated valley walls represent a distinctive visual feature. The areas designated as visually distinctive appear on the Visual Resources Map.

An additional visually distinctive feature of value to the residents of the planning area is the concentrations of redwood trees generally appearing in a mixed forest, which is designated conifer hardwood vegetation type on the Vegetation Map of the Open Space Element.

III. ASSESSMENT OF BICYCLE PATH SYSTEM

At present the Town of Fairfax does not have an adopted bicycle path system. There is adopted a Countywide bike path system which links the various cities of the County and which provides bicycle access from the urbanized portions of the County to the rural areas on the coast.

The Fairfax bike path system should be linked into the

SCENIC HIGHWAYS ELEMENT

Countywide system and, in addition, should provide for interior bicycle circulation. The Town, however, has a safety factor to consider in delineating bike ways. The terrain, steep grades of residential streets and substandard roads in the hills are a deterrent to bicycling safety. Therefore, these factors should be taken into consideration before delineating a bicycle path system.

NOISE ELEMENT
OF THE
FAIRFAX GENERAL PLAN

I. : INTRODUCTION

A. Purpose and Scope

The Noise Element of the Fairfax General Plan is designed to reduce the overall level of noise in the community by identifying the sources of noise, describing the effects of noise on the Town and establishing policies, criteria and standards to reduce the level of noise to acceptable limits.

The greatest problem encountered in creating a program to reduce the level of noise in a community is the establishment of acceptable noise levels. The interpretation of what sound constitutes an unacceptable noise varies from one individual to the next. Noise is sound that someone doesn't like; what is musical to one may be noise to another. Therefore, merely measuring the intensity of sound will not determine whether or not that sound constitutes a noise.

The Environmental Protection Agency (EPA) sets sound levels (noise standards) requisite to protect the public health and welfare with an adequate margin of safety. Protection of the "public health and welfare" involves two basic considerations:

NOISE ELEMENT

(1) hearing loss, and (2) activity interference.

In terms of frequency, humans are able to hear anywhere from 16 HZ to 20,000 HZ. Considerable evidence¹ identifies frequencies above 2,000 HZ as critical to the understanding of speech in lifelike situations. And 4,000 HZ is identified as that level at which hearing impairment first occurs.

Noise levels, however, are not measured by frequency but by decibel (dB). When we convert frequencies to decibels we find that to protect 100 percent of the people from hearing loss, a person should not be exposed to an intensity of 73 dB's for an eight-hour period or to an intensity of 70 dB's for a twenty-four hour period.

Prevention against activity interference requires identification of the sound level which would protect sentence intelligibility and guard against community reaction to adverse noise levels. Within the home 45 dB is required in order to provide for 100 percent intelligibility of speech sounds. In order to maintain 45 dB indoors the dB reading outside cannot exceed 60 dB. Since the level of background noise is less at night, a 10 dB night weighting is advised by EPA. This would mean an outdoor sound level of 55 dB.

Recommended standards for sound levels in various land use districts are specified in section III of this element. These recommended standards are designed to implement the EPA's recommendations.

NOISE ELEMENT

It is the purpose of this element to regulate sound which is considered undesirable by the community and to decrease the sound level to which residential homes are exposed. These objectives can be met through better design of residential developments, use of insulation in homes to reduce the effects of exterior noise and regulating the construction of buildings in very high noise level areas.

B. State Law Requirements

State Law, Government Code Sec. 65302(g), requires that all City and County General Plans contain a noise element. The element must in quantitative and numerical terms show contours of present and projected noise levels on the community's major transportation routes.

These noise contours can be expressed in any standard acoustical scale which includes both the magnitude of noise and the frequency of its occurrence. The noise contours must be shown in minimum increments of five decibels and shall be continued down to 65 dBA. For areas which contain hospitals, rest homes, long term medical or mental care facilities or outdoor recreation areas the contours shall be continued down to 45 dBA.

The noise element must also contain conclusions as regards the impact of noise on compatible land uses.

These requirements of the law will be met by providing noise contours present and future along Sir Francis Drake Blvd. and Bolinas Avenue. And the element will contain standards for

NOISE ELEMENT

noise levels based upon the projected land uses in the General Plan.

C. Definitions

Sound intensity-- A measure of the loudness of noise.

: Noise contour-- A line passing through points where the same sound intensity level prevails. Contours form bands of varying widths emanating from a noise source.

Decibel-- A unit for measuring the relative loudness of sounds detectable by the human ear.

D. Relationship to Other Elements

The noise element is related most closely to the circulation, land use and housing elements since it provides noise level standards related to the compatibility of land use, of which residential use will be a highly important component. The noise element is also closely related to the open space element since noise can adversely affect the enjoyment of quiet pursuits in open space. Conversely, open space can be used to buffer noise sources from sensitive uses through distance and extensive tree planting.

II. IDENTIFICATION OF NOISE PROBLEM AREAS

The Town of Fairfax can be classified as a residential community. The 1968 General Plan, which has guided the Town's development over the past seven years, has perpetuated the

NOISE ELEMENT

associated auto and truck traffic. The noise generated by these roads drops off with distance from the street. However, the degree of noise reduction is dependent upon adjacent topography. In flat open terrain, the drop in perceived noise equals about 6 dBA each time the distance from the roadway is doubled. (If the level is 70 dBA at ten feet, it would be 64 dBA at 20 feet.) In hilly areas the terrain may either extend the distance over which the intensity of noise remains perceptible or may reduce this distance. And the amount of noise generated by a street is, of course, directly proportional to the amount of traffic which the street carries. Also, the intensity of noise at any given distance from the street fluctuates during a 24-hour period. The greatest fluctuation, of course, is between daytime and nighttime due to the corresponding reduction in background noise at night.

The noise contour map for Sir Francis Drake Blvd. between Valley Road and Oak Manor shows a noise intensity of 80 dBA eleven feet from the centerline of the street; the 65 dBA level is reached at a point 90 feet from the centerline of the roadway; at a distance of 1440 feet from the centerline the dBA reached the recommended open space level of 45 dBA. The year 1990 projection shows an increase in noise intensity in the same area. The 65 dBA level is expected to be achieved at a distance of 150 feet from the centerline. The open space level of 45 dBA will be achieved at a distance of 2400 feet. The increase in

NOISE ELEMENT

the ambient noise level from August, 1974, to the year 1990 is directly due to an increase in traffic on Sir Francis Drake Blvd. from an ADT of 9,217 to an ADT of 15-20,000.

The noise contour map for Bolinas Avenue between Sir Francis Drake Blvd. and the Bolinas County Road shows a noise intensity of 80 dBA some 10 feet from the centerline of the roadway. At a distance of 80 feet from the centerline the dBA level is reduced to 65. The open space recommended dBA level of 45 is reached at a distance of 1280 feet. The year 1990 traffic projections show an increase in auto traffic on the road with a corresponding increase in noise intensity. The 65 dBA level will be reached at 90 feet and the 45 dBA level at 1440 feet.

Areas within the 65 dBA contour should receive some attention, especially as to future development and other methods of sound attenuation. Some control over the type of development and the design of buildings to maximize soundproofing should exist for those areas with sound levels between 65 dBA and 45 dBA. Beyond the 45 dBA contour, the annoying noises are more likely due to some stationary, localized or single-event sources and must be regulated in a different manner.

The Town can only employ land use and building design regulations to deal with the noise generated from auto and truck traffic, because the decibel ratings for mobile sources are regulated by state and federal laws. Currently, trucks and cars are required to have levels no higher than 90 dB and 85 dB

NOISE ELEMENT

respectively, measured from the roadway edge. Therefore, a reduction in mobile noise can only be accomplished by a reduction in traffic flow or a change in automobile muffling systems beyond that anticipated by new state and federal requirements.

B. Commercial

The Town of Fairfax' commercial area is small and concentrated. However, there is some highway oriented commercial development along Sir Francis Drake Blvd., but the extent of the commercial development is minor. Noise associated with the downtown areas is generated, in part, by the support services required for it (e.g., garbage pick-ups, delivery trucks and movement of boxes of goods). The small retail shops and stores otherwise generate almost no noticeable noise. The only exceptions would be the noise associated with the Town's auto repair shops, lumber yard and establishments providing entertainment (i.e., nightclubs and dinner dancing).

The other source of noise in the downtown is that associated with the Fire Department. The fire and emergency alarm horn and the sirens on the police and fire equipment are the sources of ambient noise.

C. Residential

Most suburban residential areas have an ambient outdoor noise level of between 55 and 65 dBA during the daytime and 40 to 45 dBA at night. This is generally the result of the many residents going about their daily business--a trip to the store, children playing, power mowers, appliances, heating and cooling

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systems, pets and deliveries and pick-ups of goods by trucks. Most of Fairfax' residential areas fit this pattern although special conditions of terrain, density and neighborhood layout have altered this to some extent.

In the hilly areas, sounds tend to travel irregularly, making some noises audible over great distances and other noises almost inaudible. Generally, the blockage of sight by hills, trees and brush will also block sound transmission, as well as a building between the source of a noise and the listener. Occasionally "canyon" effects occur where the topography creates a channel for sounds and carries them over great distances. Weather conditions (rains, clouds, winds, even extreme temperature variations) may cause similar effects. Because of the extreme variability of noise generation in a neighborhood and the terrain of the Town, actual noise levels are very difficult to ascertain on a general basis. For the most part, the more densely developed the area (units/acre) the higher the ambient noise level.

Recently there has been an increase in a new source of residential noise. The source is single family dwelling burglar and fire alarm systems. The incidence of false alarms through accidental causes and/or faulty systems has been on the increase. The noise source, while not a prolonged occurrence, can be extremely annoying when it happens, especially if the residents are away or if it occurs in the middle of the night. Definitely,

NOISE ELEMENT

the reasons for the alarm system are justifiable, and possibly, perfection of the systems will occur or another means of warning can be devised which has the same degree of effectiveness.

D. Recreational

Recreational noise comes from several sources. It is most concentrated in and associated with parks, playgrounds and schoolyards but also occurs in neighborhood streets, vacant lots, along the open hillsides and ridges and even occasionally in the downtown area.

Most recreational noise, the shouting of playing children, bouncing balls, roller skates and running, is not objectionable during daytime hours. Other types of recreation activities, such as off-road motorcycling, go-carts and organized sports events, can be offensive, especially to those who do not care to participate in them.

The Town of Fairfax' schoolyards, playgrounds and park facilities should be seen as potential noise sources and some control should be exercised by the Town over their use at night and in the very early morning hours. Organized sports are on a small enough scale and attract sufficient neighborhood participation as to be acceptable. The use of off-road dirt bikes or other similar vehicles should not be permitted within the Town, both because of environmental damage and the conflict between the noise generated and the quiet, peaceful character of the Town's residential areas and open space lands.

NOISE ELEMENT

III. LAND USE AND NOISE LEVEL STANDARDS

The permissible level of noise within any area of the community must be adjusted to reflect the uses of land in the area which they occur. The ambient noise standards recommended herein would establish the permissible level of background noise allowed in any area of the community. This means that the standards are not designed to control single occurrence sources of noise which exceed the permissible level established. Other methods than area ambient noise level standards should be used to reduce the noise associated with these single occurrences.

The basic principle behind ambient noise standards is that the standards should be reflective of the uses in the area and the noise generated by these uses for the daily functioning of their intended purpose. For example, a residential neighborhood has a much lower tolerance for the noise generated by a truck than an area of the Town which is comprised of industrial or commercial development. Figure I (taken from the Countywide noise study²) shows the compatibility of land use to noise. By using this chart and the interpretation in Figure 2, the Town Council can establish permissible levels of ambient noise in the community.

The EPA standards for the various land uses are listed in Figure 3.

The establishment of standards alone does not guarantee implementation of the objective of maintaining these permissible

THE COMPATIBILITY OF LAND USES TO NOISE

NOISE ELEMENT

LAND USE CATEGORY	LAND USE AND COMMUNITY RESPONSE							
	INTERPRETATIONS *							
	L _{DN} VALUE							
	55	60	65	70	75	80	85	90
RESIDENTIAL - SINGLE AND TWO FAMILY HOMES, MOBILE HOMES				BII				
RESIDENTIAL - MULTIPLE FAMILY APARTMENTS, BOARDSHIPS, GROUP QUARTERS, DORMITORIES, RETIREMENT HOMES, ETC.				DIII				
TRANSIENT LODGING - HOTELS, MOTELS		A			D		E	
SCHOOL CLASSROOMS, LIBRARIES, CHURCHES, HOSPITALS, NURSING HOMES, ETC.		A		D		C		
AUDITORIUMS, CONCERT HALLS, OUTDOOR AMPHITHEATERS, MUSIC SHELLS		F				C		
SPORTS ARENA, OUT-OF-DOOR SPECTATOR SPORTS		F				C		
PLAYGROUNDS, NEIGHBORHOOD PARKS		A		B		C		
GOLF COURSES, RIDING STABLES, WATER-BASED RECREATIONAL AREAS, CEMETERIES		A			B	C		
OFFICE BUILDINGS, PERSONAL, BUSINESS AND PROFESSIONAL SERVICES		A		D	B	E		
COMMERCIAL - RETAIL, MOVIE THEATERS, RESTAURANTS		A		D		E		
COMMERCIAL - WHOLESALE & SOME RETAIL, INDUSTRIAL/MANUFACTURING, TRANSPORTATION, COMMUNICATIONS & UTILITIES		A			D	E		
MANUFACTURING - NOISE SENSITIVE COMMUNICATIONS - NOISE SENSITIVE		A		D		E		

* Interpretations are listed in Figure 2.

Source: Bolt, Beranek & Newman, A Background Report on Transportation Noise, July, 1974

FIGURE 2

NOISE COMPATIBILITY INTERPRETATIONS FOR USE WITH FIGURE 1

<u>General Land Use Recommendations*</u>
<ul style="list-style-type: none"> A. Satisfactory, with no special noise insulation requirements for new construction. B. New construction or development should generally be avoided except as possible infill of already developed areas. In such cases, a detailed analysis of noise reduction requirements should be made, and needed noise insulation features should be included in the building design. C. New construction or development should not be undertaken. D. New construction or development should not be undertaken unless a detailed analysis of noise reduction requirements is made and needed noise insulation features included in the design. E. New development should generally be discouraged. Conventional construction will generally be inadequate and special noise insulation features must be included. A detailed analysis of noise reduction requirements should be made and needed noise insulation features included in the construction or development. F. A detailed analysis of the noise environment, considering noise from all urban and transportation sources should be made and needed noise insulation features and/or special requirements for the sound reinforcement systems should be included in the basic design.
<u>Community Response Predictions**</u>
<ul style="list-style-type: none"> I. Some noise complaints may occur, and noise may, occasionally, interfere with some activities. II. In developed areas, individuals may complain, perhaps vigorously, and group action is possible. III. In developed areas, repeated vigorous complaints and concerted group action might be expected.

* Land use recommendations are based upon experience and judgmental factors without regard to specific variations in construction (such as air conditioning and building insulation) or in other physical conditions (such as the terrain and the atmosphere). These features and others involving social, economic, and political conditions must be considered in recommending individual use and density construction combinations in specific locations.

** Community response predictions are generalizations based upon experience resulting from the evolutionary development of various national and international noise exposure units. In particular, the Composite Noise Rating (CNR). For specific locations, considerations must also be given to the background noise levels and the social, economic, and political conditions that exist.

NOISE ELEMENT

noise levels established throughout the community. In addition, the Town needs to establish a procedure for estimating noise levels.

Figure 3

EPA Noise Level Standards By Land Use

Land Use	Average dBA	
	outdoor	indoor
Residential	65 day	45 day
	55 night	35 night
Commercial	65 day	45 day
	55 night	40 night
Office	65 day	45 day
	55 night	40 night
Parks & Open Space	45 day	-
	45 night	-
Major roadways: Sir Francis Drake & Bolinas Ave	less than 65 dBA at 100' from the roadway	

It is commonly believed that the only method of estimating noise levels is through the use of instruments. However, in the report prepared by Bolt, Beranek and Newman entitled 'A Background Report on Transportation Noise' it was stated that a formula using a series of nomographs, tables and charts was better suited for estimating the noise level of a given site than the use of instruments and meters. The instruments only give you a reading at a given location at the time the sample is taken. As is obvious, the intensity of noise fluctuates

NOISE ELEMENT

throughout any 24-hour period, and, therefore, spot readings will not give one as accurate an assessment of the ambient noise level as the recommended formula.

It is recommended that the Town of Fairfax use the procedure for assessing noise outlined in Section III, pp. 9-18, of 'A Background Report on Transportation Noise'. This formula can be utilized in the EIR process or by the Town Staff dependent upon the needs of the Planning Commission and/or the Town Council.

IV. METHOD OF PREPARATION

The Noise Element of the General Plan was prepared in connection with the County of Marin. Background studies were prepared by the consultants, Bolt, Beranek and Newman, in July of 1974 concerning the various noise measurements and levels, proposed standards and means of noise reduction.

NOISE ELEMENT

Footnotes

¹Evidence on the effects of sound frequency on speech and hearing loss are documented in a report prepared by EPA entitled 'Information on Levels of Environmental Noise Requirements to Protect Public Health and Welfare with an Adequate Margin of Safety'.

²The noise study was prepared by the firm of Bolt, Beranek and Newman and is entitled 'A Background Report on Transportation Noise'.

APPENDIX A

EXISTING AND PROJECTED NOISE LEVELS ON MAJOR TRAFFIC ARTERIALS - FAIRFAX

ARTERIAL (roadway)	Begin	End	Current Average Daily Traffic ¹	Distance from center line of roadbed (feet)						1990 Average Daily Traffic ²	Distance from center line of roadbed (feet)					
				Noise calculation in Ldn - dB(A)							Noise calculations in Ldn - dB(A)					
				45	55	65	70	75	80		45	55	65	70	75	80
Sir Francis Drake	Valley Road	Oak Manor	9,217	1440	360	90	45	22	11	15,000- 20,000	2400	600	150	75	37	18
Bolinas Avenue	Sir Francis Drake	Bolinas County Road	7,104	1280	320	80	40	20	10	5,000- 10,000	1440	360	90	45	22	11

¹Traffic count taken in August 1974.

²Projected 1990 traffic from Balanced Transportation Study, Marin Countywide Plan.

CONSERVATION ELEMENT
OF THE
FAIRFAX GENERAL PLAN

I. INTRODUCTION

A. Purpose and Scope

The Conservation Element of the Fairfax General Plan is designed to conserve those natural resources of the community which contribute to its unique image. The Town of Fairfax is located at the western end of the Upper Ross Valley in Marin County. The coniferous forests, varied stream courses, narrow valleys, steep hillsides and mountain ridges all contribute to the rural setting of Fairfax. It is this rural setting and all the natural resources which contribute to the character of this area that the Town of Fairfax intends to conserve.

Through the protection of these local natural resources the Town will contribute to the conservation of the County's watershed and air basin. Therefore, the preservation of local natural resources will have a regional effect.

The purpose of this element is to identify the community's natural resources and to develop policies and programs which will conserve them. The element will delineate those resources which can be conserved locally and those which are regional in scope.

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B. State Law Requirements

Government Code, Section 65302(d), requires the inclusion of a conservation element in the general plans of all cities and counties in the state.

The conservation element must establish goals, policies and objectives for the conservation, development and utilization of the community's natural resources. The element must plan for such resources as water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources.

The conservation element may also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas, erosion control on hills and beaches, protection of watersheds and the assessment of rock, sand and gravel resources.

As written, the conservation element not only requires a plan for conserving natural resources but also requires a plan to develop and utilize the community's resources. Therefore, the term conservation in the context of this law is defined as the planned management, preparation and wise utilization of natural resources. The objective, in this context, is to prevent the wasteful exploitation, destruction or neglect of these resources.

CONSERVATION ELEMENT

C. Relationship to Other Elements

The conservation element provides a major policy input into the land use and circulation elements. The element's concerns relate directly, and in fact overlap many of the concerns of the open space, environmental safety and scenic highways elements. For example, a policy of erosion control to protect the community's soil and vegetation is directly related to the policy of landslide prevention in the environmental safety element. Therefore, the policy would not only conserve a natural resource but would promote slope stability in so doing.

II. ASSESSMENT AND IDENTIFICATION OF NATURAL RESOURCES

A. Assessment

The conservation element, by state law, requires an appraisal of Fairfax' natural resources and the development of policy for their preservation or wise utilization. However, the guidelines recognize that not all communities have forests or fisheries, and, therefore, not all the requirements apply.

While Fairfax contains wooded hillsides and valleys that could be called forests, it does not contain a forest which could be utilized for timber production. Likewise, the community is not a valuable location for either the fishing industry or commercial agriculture. But the Town of Fairfax and its planning area when viewed county wide is part of a larger

CONSERVATION ELEMENT

environmental setting which contains many of the natural resources cited in the law.

The proximity of Fairfax and Marin County to the rest of the urbanized San Francisco Bay Area has resulted in extremely high land values. Marin's high land value plus the two national parks in the county (Point Reyes National Seashore and the Golden Gate National Recreation Area) for the most part excludes the county's natural resources from any pressure for utilization by the lumber industry or for commercial crop production. Therefore, the pressures of suburbanization is the only factor which threatens the area's natural resources.

Although the natural resources in the Fairfax planning area will not be utilized for lumber or food production, the area has high potential for home sites and recreation purposes. Therefore, this conservation element will assess the community's natural resources as to their conservation for aesthetic and environmental safety factors and as to their utilization as settings for residential homes and recreation areas.

B. Identification

The following maps prepared by the firm of Wallace, McHarg, Roberts and Todd as part of the Open Space Element are incorporated herein and made part of the Conservation Element:

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1. Vegetation Map
2. Surface Hydrology Map
3. Wildlife Habitat Diversity Map
4. Visual Resources Map

The vegetation and wildlife habitat maps delimit the geographical boundaries of general categories of vegetation and wildlife. The surface hydrology map locates the major and minor streams which drain the watershed. And the visual resources map is an interpretive map which identifies these natural resources and areas of high visual (aesthetic) value. These maps are valuable in that policy statements can make direct reference to them and identify pertinent locations for preservation.

1. Natural Environmental Resources

a. Landform. The predominant landforms in Fairfax are stream valleys, steep hillsides and a number of ridges and peaks. All of these morphologic factors contribute to the community's character and give a direct sense of place to Fairfax.

b. Geology. There are seven geologic unit types identified in the planning area. They are alluvium, colluvium, sandstone-shale, franciscan melange, chert, greenstone and serpentine. The various geologic units identified were mapped as part of the Environmental Safety Element and can be found on the geology map which is part of that element.

CONSERVATION ELEMENT

The importance of geologic units in Fairfax is their potential for utilization for home sites.

- . Alluvium and colluvium: the engineering properties of these deposits depend on their composition, texture, grain size, underlying topography and ground water condition. Expansive clays in these units may cause foundation damage as they swell when wet and shrink when dry.
- . Sandstone-shale: these are brittle and easily eroded, and bedding planes in them may have unfavorable orientation where they dip parallel to the slope. These units, however, have moderate to good foundation properties especially when interbedded with graywarke.
- . Franciscan melange (includes chert, greenstone and serpentine): engineering properties of the melange are highly variable. The heterogeneous nature of the unit with hard blocks and boulders of varied sizes embedded in soft sheared shale matrix gives rise to great local variance in competence and load capacity. Melange appears to be stronger where the matrix to boulder ratio is low. Stability decreases with increasing matrix. Cut slopes are very unstable in melange. Extensive site investigation would be required to accurately appraise the true engineering capacity of a given locality in melange¹.

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c. Soils. Soils are a product of the underlying geologic units, the vegetative cover and the degree of leaching and erosion they are subject to. The Soils Conservation Service is helpful in giving a detailed rundown on soils type and agricultural potential.

The alluvium and colluvium soils in Fairfax are moderately developed and may be as deep as 30 feet. Sandstone-shale creates a sandy soil often buff or orange in color. Melange is a well developed soil usually covered with low lying grass. Chert is a strong soil highly resistant to weathering. Greenstone weathers easily and may be very deep even on steep slopes. Serpentine has a very low soil (not very deep).

d. Hydrology. The major hydrologic features of Fairfax are the numerous small streams which drain the ridges, slopes and valleys comprising the planning area. The major creeks are Fairfax and San Anselmo creeks, which are subject to flooding at their confluence. These two streams drain the planning area's two major watersheds. Water quality of the streams is endangered at times by the dumping of debris from residential and commercial areas. However, the greatest threat to water quality is leakage from faulty septic tanks which service some of the homes in Fairfax. One of the major residential areas served by septic tanks is the one served by Cascade and Canyon Roads.

e. Vegetation. The vegetation delineated on

the vegetation map is put into three general categories: (1) hardwoods, (2) conifer hardwoods, and (3) shrub vegetation. The following is a list of vegetation which makes up these three general classifications:

. Hardwoods are comprised of: -

Black Oak (*Quercus kelloggii*)
 Canyon Oak (*Quercus chrysolepis*)
 Live Oak (*Quercus agrifolia*)
 Tan Oak (*Lithocarpus densiflora*)
 White Oak (*Quercus lobata*)
 California Bay (*Umbellularia californica*)
 Chinquapin (*Castanopsis chrysophylla*)
 Pacific Madrone (*Arbutus menziesii*)
 Mixed hardwoods (mixtures may include any of the
 above as well as California Buckeye: *Aesculus*
californica)
 Exotics (*Eucalyptus* spp.)

. Conifer Hardwoods are defined as the occurrence of Redwood and Douglas Fir with Canyon Oak, Tan Oak, Madrone and Bay. In this category, conifers make up 50 to 75% of the tree crown cover.

. Shrub vegetation falls into the following categories:

Ceanothus-Leather Oak-Manzanita (*Ceanothus jepsonii*,
Quercus durata, *Arctostaphylos montana*)

Chamise (*Adenostoma fasciculatum*)

Chaparral Oak (*Quercus wislizenii frutescens* makes
 up 50% or more of the shrub crown cover.)

Baccharis (*Baccharis pilularis*)

Huckleberry (*Vaccinium ovatum*)

Mixed shrub (Less than 75% of shrub crown cover is
 made up of Manzanita and Chamise and less than 50%
 of the shrub crown cover is Chaparral Oak.)

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Perennial Grass

Annual Grass

Mixed grass (Less than 75% of the grass crown cover is made up solely of perennials or of annuals.)

The conifer-hardwood vegetation classification represents a unique and heritage vegetation and visual resource of the planning area. Also, riparian (stream) vegetation and high hardwood concentration are indicative of a great diversity of wildlife habitat.

There have been no rare and endangered vascular plants identified in the Fairfax planning area, however, some could exist. A publication prepared by the California Native Plant Society entitled 'Inventory of Rare and Endangered Vascular Plants of California' has identified 36 rare and endangered plants in Marin County. Therefore, all future EIR's prepared for Fairfax should refer to pages 12 through 32 of this report, and field investigations should be undertaken to see if these plants are present in the Town. A copy of this report is on file at the Fairfax Town Hall.

f. Wildlife. The wildlife habitat diversity map is a generalized map indicating the diversity of potential habitats within the planning area. For mammal and bird populations, hardwood forests, conifer hardwoods and riparian zones (native vegetation areas directly adjacent to water bodies) have the greatest diversity. Shrub and shrub/grassland vege-

CONSERVATION ELEMENT

tation types indicate areas of intermediate diversity. These areas are particularly lacking in bird and larger mammal habitats since the nesting and escape cover potential is not as great as within the hardwood tree area. Grassland, dense stands of conifers and urbanized areas are usable by only certain special animal populations and, therefore, are areas of least diversity. However, within the planning area there are virtually no dense conifer areas since this type is found intermixed with the hardwood forest.

The Fairfax planning area has a large high diversity animal habitat.

A review of the State Department of Fish and Game's report on 'California's Endangered and Rare Fish and Wildlife' found that the Fairfax planning area does not contain a habitat identified with any of the rare or endangered species identified in the report.

The three endangered species which have natural habitats in Marin County are the salt marsh harvest mouse, the California Clapper Rail and the California Black Rail. However, the Fairfax planning area is not included in their habitat range.

g. Air Quality. Within the Fairfax planning area air quality is high. The Town has no major single source of air pollution, but it is recognized that through auto use and other facets of suburban life style the community contributes to regional air conditions. Most contaminants in the Fairfax

air shed come from the commercial and industrial developments in the San Rafael Basin and the East Bay Area. The control of air contaminants is under the jurisdiction of the Bay Area Air Pollution Control District.

2. HUMAN ENVIRONMENTAL RESOURCES

The Fairfax Conservation Element goes beyond the identification of natural resources to include the preservation of community resources which developed through man's efforts in the planning area. The Town recognizes that its character is more than just the natural setting and includes the endeavors of man upon the landscape.

The downtown commercial district is a distinctive mark to Fairfax's community identity, and efforts should be made to identify and preserve those structures which contribute to the character of the downtown. In addition, historical structures throughout the entire planning area should be conserved to give the community a sense of history. At present two structures have been identified:

1. The building presently occupied by the Owl Bookstore on Polinas Avenue, and
2. The Davies House located adjacent to White Hall School which is believed to have been commissioned for construction by William Randolph Hearst for his father-in-law.

III. RELATIONSHIP BETWEEN RESOURCES

The Town of Fairfax understands that many of the community's natural resources are interrelated and interdependent. A full description of the intermingling of relationships between the different segments of the area's natural resources would be a major work to undertake. However, for the purposes of planning the community's future conservation and development, the effects of changes to specific natural resources in an area due to a development proposal should be addressed in an Environmental Impact Report (EIR) on the project. For example, the vegetation delineated on the vegetation map is directly linked to wildlife habitat. Likewise, the area's soil conditions and hydrologic conditions are necessary for the preservation of the vegetation. It is this chain of interrelationships that should be described in an EIR.

Footnotes

¹Interpretation of engineering properties of geologic units was obtained from a report prepared by James Bangert entitled 'Geologic Report, and Selected Geotechnical Aspects of the City of Larkspur, California'.

ENVIRONMENTAL SAFETY ELEMENT
OF THE
FAIRFAX GENERAL PLAN

I. INTRODUCTION

The Environmental Safety Element of the Fairfax General Plan is comprised of the Seismic Safety and Safety Elements, which are mandated for inclusion in the general plan by Sections 65302(f) and 65302.1 of the State Government Code.

This element of the general plan has been prepared not only to meet the requirements of the Government Code, but to make Fairfax a safer community in which to reside. This objective will be accomplished by identifying the various environmental hazards to which the residents of Fairfax are exposed and by establishing a procedure to reduce the risks associated with each of the environmental hazards identified.

A. Scope

The Environmental Safety Element will identify and appraise the geologic, flood and fire hazards to which the Town of Fairfax is susceptible. The geological section will include an analysis of the seismic, landslide and slope stability hazards to which the Town is prone.

This general plan element also recommends policies and

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programs designed to reduce the risks associated with the Town's environmental hazards and, in addition, will recommend amendments to the Town's Emergency Preparedness Program to deal with these hazards.

The preparation of this element of the plan requires the compilation of extremely technical data on the Town's geologic, hydrologic and vegetative conditions. The geologic data for this element was compiled by geologists employed by the California Division of Mines and Geology. The hydrologic and vegetative data were prepared by the consultant firm of Wallace, McHarg, Roberts and Todd (WMRT) as part of the work on the Town's adopted Open Space Element.

The following maps and reports prepared by the California Division of Mines and Geology and the consultant firm of WMRT are considered a part of this Environmental Safety Element:

Maps: Geology
 Slope Stability
 Slope
 Landslide Abundance
 Surface Hydrology
 Wildfire Hazard

Report: Geology for Planning Southern Marin

These documents will be referred to, analyzed and adopted as part of the Town's Environmental Safety Element.

The implementation of the policies and programs designed to reduce the risks associated with hazards identified in this report requires that the Environmental Safety Element

ENVIRONMENTAL SAFETY ELEMENT

be written as a working document which can be easily utilized by the Town's Staff and decision makers.

To assist users of the general plan element in understanding the material presented herein, the report has been expanded to include a definition section and a procedure for evaluating the risks associated with the various environmental hazards.

The Environmental Safety Element of the General Plan deals only with those hazards identified within Fairfax' planning area and is not a discussion of environmental hazards which may be found in other jurisdictions in Marin County.

B. Definitions

Construction: Type 1 Type of Construction: a classification assigned to a building based on its capacity to resist a fire.

Critical Use: Critical Use Facility: uses of land and/or structures which are especially important for the preservation of life, the protection of property or for the continuous functioning of a community during and following a disaster (i.e., hospital, fire house, disaster center).

Fault: a fracture in the crust of the earth along which movement takes place during an earthquake.

Ground Shaking: the physical movement and vibration of the ground during an earthquake.

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High Level Risk Areas: Areas of High Risk: refers to high level of risks associated with the direct environmental (geologic, hydrologic) condition of the particular site.

Level of Risk: the degree of risk associated with the site or structure. The ranking of the risk level is dependent upon the anticipated response of the site or structure to seismic, geologic, fire or flood hazard.

Nature of Acceptable Risk: the maximum limit of risk the City (Town) would be willing to take. The maximum limit is generally established at the point where the costs incurred (economic and non-economic) exceed the benefits that would be derived.

Nature of Risk: a concept which encompasses (1) the overall risk level, and (2) the sensitivity of the use.

Nature of Use: refers to whether or not the structure's use is of a voluntary or involuntary nature. Facilities where occupants essentially are there of necessity and not by choice are termed "involuntary use" structures; these may be public or private buildings such as hospitals, schools and civic buildings. Likewise, those structures which are occupied by choice are termed "voluntary use" structures.

Occupancy Load: is the total number of persons that may occupy a building or portion thereof at one time.

Overall Risk Level: the risk level which generally describes the composite degree of risk, taking into considera-

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tion the risk levels associated with both the site and the structure. The overall risk level is determined by considering the sub-factors of both site and structure and is not just an averaging of the two levels.

Risk: the chance of damage or injury occurring over some period of time.

Sensitivity: refers to the importance of a structure or land use in the event of an environmental hazard. The criticalness, nature of the use and occupancy load of the structure determine the sensitivity of the use (i.e., a hospital would be a high sensitivity use during and after an environmental hazard).

Structural Hazard: is the anticipated failure of a structure--either total collapse of a structure or a failure of an appendage or appurtenance to a structure.

Zone of Weakness: refers to any fault or landslide area as depicted in the geologic report or on the geologic maps.

II. IDENTIFICATION AND APPRAISAL OF POTENTIAL ENVIRONMENTAL HAZARDS

A. Geologic Setting

The Fairfax planning area is predominantly comprised of Franciscan Melange. However, within the Town limits, the most abundant geologic units are alluvium and sandstone-shale with pockets of colluvium. Other geologic units identified

in the planning area are chert, greenstone and serpentine. The Geologic Report and the Geologic Map prepared by the California Division of Mines and Geology give the general location of these geologic units within the planning area and describe the characteristics of the various rock types.

The Fairfax planning area is extremely hilly with a vast majority of the hills having slopes averaging greater than thirty-one percent. (Refer to the Slope Map prepared by WMRT.) The relatively flatter portions of the planning area are found within the Town limits, paralleling Sir Francis Drake Blvd. and Bolinas Ave. For the most part these flatter slopes (0-5 percent) have already been developed except for some of the ranches at the west end of the planning area.

It is the geologic units and their relationship to the slope of the land which directly influences slope stability and the responses of the different geologic units under seismic conditions.

B. Geologic/Seismic Conditions

Table 1 is a description of the various geologic units which comprise the Fairfax planning area, their soil development, their relationship to slope stability and their potential stability under seismic conditions.

The analysis of the relative slope stability of the various geologic units in Table 1 is substantiated by the Landslide Abundance Map prepared by WMRT from the Upper Ross

TABLE 1 GEOLOGIC UNITS OF FAIRFAX PLANNING AREA

1

Alluvium and Colluvium:

Lithology and Permeability: Alluvium--stream deposits of sand, silt or gravel, usually of high permeability. Colluvium--slope deposits of soil or vegetative debris, locally clay-rich or with abundant rock fragments, where derived from melange usually clay-rich (expansive clays may be present), where derived from sandstone usually sandy and may contain sandstone or shale fragments. Permeability varies with clay content.

Soil Development: Alluvium--moderate development of sandy to pebbly soils. Colluvium--moderate to well developed soils, may be greater than 30 feet thick.

Slope Stability: Alluvium--moderate, may erode easily along stream banks. Colluvium variable, some slopes show evidence of rapid creep. Stability depends largely on thickness.

Earthquake Stability: Alluvium--moderate lurching may occur along stream banks. Colluvium--moderate on low angle, dry slopes, low on steep or wet slopes.

Sandstone-Shale:

Lithology and Permeability: Hard to very hard gray, purple, olive and brown sandstone, with subordinate black shale interbeds. Massive, up to 35 feet thick or more to thin, 2 to 6 inch, beds with shale interbeds also about 2 inches thick.

Soil Development: These rocks weather to brown to pale gray or buff colored, friable sandstone and weak, platy shale and in turn to sandy soil, often buff or orange in color.

Slope Stability: Generally high except in sheared or crusted areas or where planes of weakness dip parallel or sub-parallel to the slope.

Earthquake stability: Generally high.

Franciscan Melange:

Lithology and Permeability: This is a heterogeneous mixture of shear and erosion resistant blocks (called

TABLE 1 (Continued)

knockers) of varied types each of which is discussed below, embedded in a matrix of sheared to pulverized black shale and sandstone.

Soil Development: Moderate to well developed soils with low lying grass as the predominant vegetation.

Slope Stability: Low to moderate.

Earthquake Stability: Moderate on gentle slopes to low on steep slopes.

Chert:

Lithology and Permeability: Thin beds, 1 to 1-1/2 inches thick of hard and brittle chert (a siliceous rock, i.e., composed of SiO_2) of various colors ranging from white and green to the most common brownish red. Chert is interbedded with thin, about 1/4 inch thick, beds of shale. Chert-shale sequences may be highly folded or contorted. Permeability is variable, depending on how crushed the rock is.

Soil Development: Very little due to extreme resistance to weathering. Soils commonly contain abundant chert fragments.

Slope Stability: High.

Earthquake Stability: High.

Greenstone:

Lithology and Permeability: Dense, medium to fine grained metamorphosed volcanic rock, green to grayish green in color, except where weathered to a deep red more friable material. Permeability depends on degree of weathering and fracturing.

Soil Development: Weathers easily to a reddish soil which may be very deep, even on steep slopes.

Slope Stability: High for the rock, but low for the deeper soils formed from it.

Earthquake Stability: High.

TABLE 1 (Continued)

Serpentine:

Lithology and Permeability: Thick long boulders located within the melange.

Soil Development: Low.

Slope Stability: High.

Earthquake Stability: High.

Valley Preliminary Field Notes, California Division of Mines and Geology, 1974.

C. Slope Stability-Landslides

The Slope Stability Map has been prepared by the California Division of Mines and Geology for the Fairfax planning area. The map indicates that the Town of Fairfax and the Town's planning area have extensive slope stability and landslide problems.

The Slope Stability Map was generated by synthesizing field data on geologic units, percent of slope, landslides (active and ancient) and hydrology and then appraising the landscape from both ground and aerial photographs. The following zones of stability were assigned to the area. They grade from Zone 1, which is the most stable, through Zone 4, which is the least stable.

Zone 1: This is the most stable zone. It includes flat or gentle slopes both in valleys and along ridges if the ridge is believed to be entirely supported by unsheared rock and if it is thought that the ridge is mantled by less than five feet of colluvium.

Zone 2: This zone includes moderate slopes underlain by relatively competent rock or non-creeping colluvium, ridge tops believed to be underlain

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by crushed or sheared rock or more than five feet of non-creeping colluvium, heavily forested areas which show no evidence of landsliding, and gentle to moderately steep slopes of competent rock with favorable orientations of weakness planes.

Zone 3: Gentle to moderate slopes underlain by thick, creeping colluvium, steep slopes with thin soil cover or unfavorable orientation of weakness planes, moderately steep slopes which are believed to be underlain by sheared and crusted rock, and moderate to steep slopes which show evidence of perennially high ground water table.

Zone 4: This is the least stable category. It includes all landslides and areas prone to rock falls and other slope failure.

The Slope Stability Map is not static in that the ever-changing earth processes and man's activities can change the slope conditions. Any slope may be rendered less stable by poorly engineered modification or by earthquakes. Generally, Zones 1 and 2 will require less extensive site investigation for development than Zones 3 and 4. The Slope Stability Map, however, is not site specific, and localized portions of any zone may actually belong in another category.

Usually the following conditions are used for judging a

given slope as stable: (1) hard coherent bedrock, (2) favorable orientation of planes of weakness (i.e., dipping into slope), (3) forested areas where trees show no sign of tilting due to landsliding, (4) gentle slopes, less than approximately 15 degrees and (5) colluvial cover less than five feet thick.

The following conditions indicate potentially unstable slopes: (1) sheared, pulverized or soft bedrock, or bedrock which erodes easily (its erodability may be observed by noting the presence of small rills or gullies or of cones of rock debris at the base of outcrops), (2) slopes on which trees are tilting from landsliding, (3) unfavorable dip of weakness planes (i.e., dipping out of slope), (4) slopes in excess of approximately 15 degrees, (5) colluvial cover greater than five feet thick, (6) evidence of high ground water, (7) landslides, (8) presence of expansive soils (may be noted by observing mud cracks in small dried clay deposits), and (9) areas covered with grass with very few trees.

D. Seismic (Earthquake) Hazards

A seismic hazard is a risk or danger to man or his works due to the existence of active earthquake faults. To be classified as active, a fault must satisfy one or more of the following criteria: (1) it must have had active or historic creep or surface movement which has caused earthquakes, (2) it must show topographic evidence of recent activity; for

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example, scarps, shutter ridges, offset drainage, offset of formations younger than 100,000 years or sag ponds, and (3) actively known earthquake foci must correlate with a known fault plane.

From the earthquake history of western California, it is apparent that although no active faults are believed present in Fairfax or the Fairfax planning area, the community may face danger from movement along any of the active faults in the Bay Area.

Although the Town of Fairfax is not subject to all the hazards associated with a seismic disturbance, it will experience ground shaking and landslides during an earthquake.

1. Ground Shaking

Ground shaking is the physical movement and vibration of the ground during an earthquake. The severity of ground shaking and its impact on structures are functions of: (1) earthquake magnitude, (2) depth of focus of earthquake, (3) distance to site of rupture, (4) duration of disturbances, (5) local soil type, depth and height of ground water table, (6) the design and quality of material and workmanship in the structure, and (7) relationship between the fundamental period of the structure and the predominant period of ground motion.

As can be seen, a number of factors contribute to the severity of ground shaking during an earthquake. And it is

impossible to predict what the severity of ground shaking will be in Fairfax during any given seismic disturbance. However, in a general sense areas can be ranked as to their susceptibility to the earthquake hazard of ground shaking based upon the degree of slope and the geologic unit which underlies the area. Table 1 gives a general description of the earthquake stability of various geologic units which comprise the Fairfax planning area.

2. Landslides

The only other seismic hazard to which Fairfax is susceptible is landslides. A landslide is a downward and outward movement of slope material including soil, rock, vegetative debris, fill or combinations thereof.

Due to the abundance of existing and ancient landslides in the Fairfax planning area, it can be expected that landslides will be the predominant hazard to which Fairfax is susceptible during an earthquake. The degree of hazard is dependent upon the magnitude of the earthquake and the amount of moisture in the ground. During the rainy season landslides resulting from earthquakes can be expected to be more extensive than during the dry season.

3. Conclusions

The only seismic hazards to which the Town of Fairfax is susceptible are ground shaking and landslides. There is, however, a possibility of settlement occurring in areas where

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fill has been used to create building sites. But the extent of the hazard is not as extensive as that associated with fill on top of bay mud.

The Town is not susceptible to the hazard of a seismically induced water wave (tsunami or seiche) nor will flooding occur if the dams creating Alpine, Bon Tempe and Lagunitas Lakes fail. These three lakes drain westward into Lagunitas Creek and are not a hazard to the Town of Fairfax.

E. Flood

The Town of Fairfax is susceptible to flooding, and even though the hazard is not great, it can cause substantial damage, because portions of the flood prone areas have already been developed.

The Surface Hydrology Map prepared by WMRT delineates the flood prone areas within Fairfax. The flood plain is limited to the area adjacent to the confluence of San Anselmo and Fairfax Creeks. The major improvements in the flood plain include portions of Fairfax' downtown, municipal offices, residential areas adjacent to the central district and some open lands. This area has a one in 100, or one percent, chance on the average of being inundated during the year.

The flood prone area delineated by the firm of WMRT on the Surface Hydrology Map was based on readily available information². Detailed data on flood prone areas are being

delineated by the U.S. Department of Housing and Urban Development and are scheduled for completion in March, 1976. Prior to completion, preliminary reports will be made available to Fairfax.

F. Fire

The identification of risks associated with fire is dependent upon a number of specific site characteristics. The site characteristics are site fuel load, proximity of houses to one another, the fire zone, accessibility to the site (response time), water supply and structural characteristics (construction type and height of structure).

Any combination of these various characteristics can delineate a specific degree of risk. However, it is not beneficial to attempt to classify each given site or lot to determine its degree of fire hazard.

The Fairfax planning area has to deal with what could be termed domestic fire hazards (family homes) and wildfire hazards. The domestic fire risk is dependent primarily upon response time, structural characteristics, proximity of structures and available water. The wildfire hazard is dependent upon vegetation coverage, degree of slope, available water and response time.

Substantial portions of the Fairfax planning area are designated areas of extreme wildfire hazard. The Wildfire Hazard Map prepared by WMRT delineates the areas of extreme

wildfire hazard. The extreme hazard areas are classified based upon the following characteristics: (1) grassland or shrub vegetation cover, (2) slopes of 31 percent and greater and having limited access, and (3) unavailability of adequate fire fighting water supply.

The domestic fire hazards have not been classified and mapped, but it is possible to do so based upon (1) occupancy, (2) structural materials, (3) access roads, (4) response time and (5) availability of water.

III. THE CONCEPT OF RISK

The Environmental Safety Element to this point has identified and appraised the geologic, seismic, flood and fire hazards to which the Fairfax planning area is susceptible. However, the identification and appraisal of environmental hazards does not give the Town Staff or the Town's decision makers any standards or criteria upon which to make a decision where an environmental hazard is involved.

There is a procedure which can be used to deal with environmental hazards in the decision making process, and it is based upon the concept of risk. This procedure was recommended in the 'Tri-Cities Seismic Study', which was the State of California's pilot study for methods of dealing with environmental hazards.

The California State Guidelines for development of an

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environmental safety element stipulate that the level or nature of acceptable risk to life and property should be specified in the seismic safety and safety elements. The compliance with this requirement involves:

1. an evaluation of the nature of risk associated with each hazard, and
2. a definition of what is the nature of acceptable risk.

A. Evaluating the Nature of Risk

There is no quantitative method of evaluating the nature of risk. However, the nature of risk associated with a proposed development can be determined in a somewhat objective manner.

Three factors must be analyzed when evaluating the nature of risk associated with a proposed project. They are: (1) the environmental hazards associated with the site, (2) the ability of the structure to withstand the environmental hazards at the location, and (3) the sensitivity of the proposed use of the land and occupancy of the structure to the potential environmental hazards.

The following methodology can be used to determine the degree of risk associated with the site, structure and use.

1. Environmental hazards associated with the site:
 - a. Seismic/Geologic--the main source of data is the Geologic Report prepared by the California Division of

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Mines and Geology and the Geologic Units Map and Slope Stability Map. In addition, the Slope and Landslide Abundance maps prepared by WMRT can be utilized to evaluate the potential hazards associated with any given site within the Town or planning area. Although these maps are not site specific, they can be used to assign a general level of risk to an area and provide a sound basis on which to require more detailed geologic information.

1) Geologic Units Map--this map indicates the general location of rock types within the Fairfax planning area. And Table 1 of this element indicates the general degree of earthquake and slope stability of the various rock types. Therefore, areas can be rated as low, moderate or high risks as relates to general rock types.

2) Slope Stability Map--this map ranks areas in terms of their slope stability. Therefore, it is possible to determine general areas of slope failure from low to high risk.

3) Slope and Landslide Abundance Maps--these two maps can be used to classify the general susceptibility of areas to landslide based upon degree of slope and history of landsliding. This information is useful as backup support data for the other two maps already mentioned.

b. Fire--the main source of data for evaluating the

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risk associated with fire hazard is the Wildfire Hazard Map and the experience of the Fairfax and Marin County Fire Departments.

1) Wildfire Hazard Map--this map delineates areas of extreme wildfire hazard. These areas can be classified as high risk areas.

2) Domestic Fire Hazard Map--this map can be developed by the Town's Fire Department using the criteria listed in this element and any other criteria deemed appropriate by the Fire Department. This map can indicate areas of low, moderate and high domestic fire risks.

c. Flood--the source of data for evaluating flood risk is the Surface Hydrology Map prepared by WMRT. Based on the finding presented in this map and consultation with the Marin Municipal Water District, the only flood hazard to which the Fairfax planning area is susceptible is the possibility of a hundred years storm impacting San Anselmo and Fairfax Creeks. Therefore, the following risk levels can be assigned to each of the two categories on the Surface Hydrology Map: (1) non-delineated areas are low risk and (2) flood-prone areas are high risk.

2. Structure's Ability to Withstand Environmental Hazards:

a. Seismic/Geologic Hazards--Table II of this element has been developed using as a basis the information prepared by the 'Tri-Cities Seismic Safety Study'. This study ranked buildings as to their relative damageability from an

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TABLE II

ENVIRONMENTAL SAFETY ELEMENT

BUILDING TYPES: SEISMIC/GEOLOGIC RISK LEVELS

SIMPLIFIED DESCRIPTION OF STRUCTURAL TYPES

ATTENDANT RISK
(In order of decreasing ability to handle stress)

Structures under current building codes

Small wood-frame structures, i.e., dwellings not over 3,000 sq ft, and not over 3 stories

LOW

Single or multistory steel-frame buildings with concrete exterior walls, concrete floors, and concrete roof. Moderate wall openings

Single or multistory reinforced-concrete buildings with concrete exterior walls, concrete floors, and concrete roof. Moderate wall openings

MODERATE

Large area wood-frame buildings and other wood-frame buildings

Single or multistory steel-frame buildings with unreinforced masonry exterior wall panels; concrete floors and concrete roof

Single or multistory reinforced-concrete frame buildings with unreinforced masonry exterior wall panels, concrete floors and concrete roof

Reinforced concrete bearing walls with supported floors and roof of any materials (usually wood)

HIGH

Buildings with unreinforced brick masonry having sandlime mortar; and with supported floors and roof of any materials

Bearing walls of unreinforced adobe, unreinforced hollow concrete block, or unreinforced hollow clay tile

NOTE: This table is not complete. Additional considerations would include parapets, building interiors, utilities and building orientation and frequency response.

earthquake or other geologic hazard on a scale of one to seven. This scale was converted to a ranking of low, moderate and high in the following manner: a ranking of one is given a low risk, rankings of 1.5 to four are given a moderate risk and rankings of four to seven plus are given a high risk.

Absolute guarantees as to the performance of any building under seismic and geologic stress cannot be given. However, Table II can be used to determine the general susceptibility of building types to seismic/geologic hazards.

b. Fire--Table III, Construction Types-Fire Risk Levels, is based on standards set by the Uniform Building Code (1973 edition) and the Plan Review Manual (1971). Type of construction classification considers (1) the kinds of building materials used in the structure and (2) the rate of fire resistance of various parts of the building and of the building as a whole. A structure may be classified as combustible or non-combustible and as unprotected or fire resistive. A non-combustible, fire resistive building has a greater degree of fire safety than a combustible, unprotected building and, therefore, is considered a high order system. Construction types are ranked in terms of fire safety order systems. In the construction of this table the highest order system (I) is assigned the lowest risk level, and the lower order systems (V-one hr. and V-N) are assigned higher risk levels. The ranking of construction types is taken from the

TABLE II I

CONSTRUCTION TYPES: FIRE RISK LEVELSUBC CONSTRUCTION TYPESATTENDANT RISK LEVEL
(In order of increasing risk)

I
 II
 III - H.T.*; III-one-hr.**
 III - N***
 IV - one-hr.
 IV - N
 V - one-hr.
 V - N

LOW



HIGH

-
- * H.T. indicates heavy timber construction
 * One-hr. - refers to one-hr. fire-resistive rating
 * N indicates unprotected or no general requirements for fire resistance.

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Plan Review Manual. These construction types are ranked in a continuum from low to high risk. Since no further breakdown of risk levels has been given, establishment of specific moderate risk levels has been avoided.

c. Flood Hazard--information on structural standards and on a structure's ability to handle stress from flooding is limited; discussion regarding structures and their associated risks is virtually non-existent. Therefore, the level of flood risk assigned to a structure can only be assessed after an evaluation of the protection measures designed into the structure. The building inspector is best qualified to determine the degree of protection in a flood prone area.

The national flood insurance program requires that where a city or town has identified the flood prone area, as Fairfax has, all building permit applications for major repair shall be reviewed to determine that the proposed repair (1) uses construction materials and utility equipment that are resistant to flood damage and (2) uses construction methods and practices that will minimize flood damage. In addition, all building permits in the flood prone area for new construction shall be reviewed to assure that the proposed construction (1) is protected against flood damage, (2) is designed and anchored to prevent flotation, collapse or lateral movement of the structure,

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(3) uses construction materials and utility equipment that are resistant to flood damage and (4) uses construction methods and practices that will minimize flood damage.

When the Town in March, 1976, provides water surface elevations for the 100 year flood, all new construction or substantial improvements of residential structures within the area of special flood hazard shall be required to have the lowest floor (including the basement) elevated to equal or above the level of the 100 year flood. Non-residential structures have the option of doing the above or the lowest floor together with attendant utility and sanitary facilities be floodproofed up to the level of the 100 years storm.

3. Sensitivity of Use of Land and Occupancy of Structure: Table IV, Sensitivity of Use to Environmental Hazards, is applicable to all the hazards identified in this element. In considering the factor of use/occupancy, three factors are used to rank a structure in terms of its sensitivity: (1) the degree of critical use, (2) the nature of occupancy (whether voluntary or involuntary), and (3) the occupancy load. The method for ranking sensitivity of use was derived from the 'Tri-Cities Seismic Safety Study'.

B. The Nature of Acceptable Risk

The nature of acceptable risk is the level of risk (high, moderate or low) that the Town of Fairfax is willing

TABLE IV

SENSITIVITY OF USE TO ENVIRONMENTAL HAZARDS

<u>USE, NATURE OF USE AND OCCUPANCY LOAD</u>	<u>DEGREE OF SENSITIVITY</u>
Emergency - hospitals, medical clinics, fire stations, police stations, post-earthquake aid centers, etc.	HIGH
Involuntary occupancy - nursing homes, convalescent homes, schools, jails, etc.	
Voluntary high-occupancy, non-residential - auditoriums, theatres, churches, large industrial and commercial centers, libraries, motels, hotels, restaurants, etc.	
Voluntary high-density residential - medium- and high-rise apartment buildings, condominiums, etc.	
Utilities (1) above ground - water storage, electrical transmission lines, gas storage tanks, telephone lines, etc. (2) below ground - telephone cables, water distribution lines, sewage lines, electrical lines, etc.	
Communication and Transportation - telephone stations, major highways, bridges, tunnels, overpasses and interchanges, railway stations, ferry terminals, evacuation routes, etc.	MODERATE
Voluntary low- to medium-occupancy, non-residential - motels, small commercial, professional and industrial offices and shops, etc.	
Voluntary low- to medium-density residential - single family, townhouses, etc.	
Minor communication and transportation - local access roads, parkways, etc.	
Voluntary low-occupancy, non-residential - warehouses, storage, etc.	
Open space and recreation - parks, golf courses, agriculture, sanitary land fill, trails, etc.	LOW
Water-oriented - wharves, docks, boat harbors, etc.	

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to incur within any given location within the planning area. The level of risk acceptable for site, structure and use/occupancy may vary within the Town and planning area. Therefore, the level of acceptable risk is established by policy and is specified in the section of this element entitled 'Policies, Objectives and Actions'.

There is no way to completely eliminate the risks associated with the various environmental hazards identified in this report. The only way to accomplish complete elimination of risk to life and property from environmental hazards is to abandon the Town and the planning area. Since the Town of Fairfax will continue to exist and people will continue to live, work and recreate in the Town and planning area, the Town will have to accept the risks associated with the various environmental hazards identified.

However, the level of risk to life and property can be reduced through advanced planning and effective decision making. The goals, policies, objectives and actions recommended in this report are designed to reduce the level of risk associated with the Town's environmental hazards and are based upon the following principles:

1. All human activities have associated risks; therefore, the concept of acceptable risk is a part of everyday life. Insurance companies have elaborate criteria upon which they base decisions to accept

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certain risk levels and set premium rates. The risks associated with environmental hazards may be better understood when compared to other risks that are identifiable by the public, such as automobile accidents. Refer to Table V.

2. There exists a differentiation between known risks and unknown risks. Awareness of risks associated with known environmental hazards is a right to which the public is entitled. Public agencies should provide information concerning such risks.
3. There is a distinction between risks taken willingly and those taken unwillingly by the public. Unwilling risks should be lower than those risks taken willingly. The use of certain public buildings (e.g., schools, hospitals) is involuntary in that there is no choice available to the individual regarding his exposure to risk. Therefore, risks associated with the use of involuntary public occupancy should be minimal.
4. There should not be public exposure to an increase in risk without a corresponding increase in benefits. Likewise, those receiving the benefits should also assume the responsibility for any risks that are derived.
5. As risks are minimized, higher costs are incurred. Final decision as to the level of acceptable risk

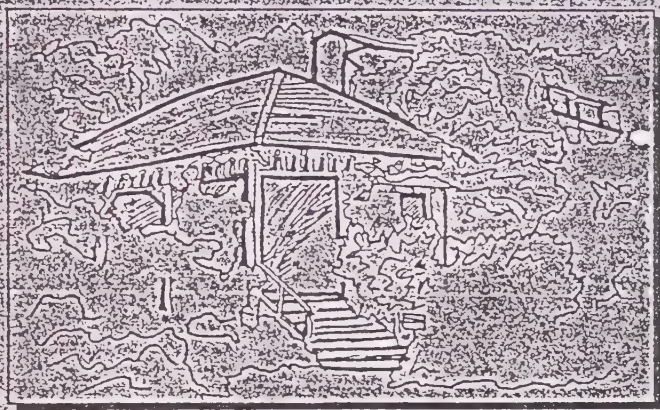
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Footnotes

¹Interpretation of slope and seismic response of the various geologic units was derived from a report prepared by James C. Bangert entitled 'Geologic Report and selected Geotechnical Aspects of the City of Larkspur'.

²Sources of information on flooding were obtained from:
"Map of Flood Prone Areas" San Rafael Quadrangle, United States Geological Survey, 1972.
"Storm Drainage Study for the Fairfax Area" Marin County Flood Control and Water Conservation District, October, 1966.
"Survey Report for Flood Control and Allied Purposes, Corte Madera Creek", U.S. Army Engineer District, September, 1961.

Town of Fairfax



HOUSING ELEMENT

Adopted December, 1990

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Adopted by the Fairfax Town Council December 10, 1990
Approved by the Fairfax Planning Commission November 15, 1990

SUMMARY

State law requires each community to adopt a Housing Element that includes: (1) provisions for the housing needs of all economic segments of the community; (2) quantified objectives (or targets) for the construction, rehabilitation or conservation of housing; and, (3) a schedule of actions which the Town will undertake to achieve the Housing Element's objectives. In essence, the Housing Element must include specific statements as to when and how programs will be implemented.

The Town of Fairfax's record of achievement in providing affordable housing and meeting a wide variety of housing needs is one of the best in the Bay Area. The purpose of this revision is to build upon those successes and to respond to current housing problem, needs, and requirements of State law. Specifically identified needs in the community include low and moderate income housing, family housing, housing for special need groups (disabled, elderly, households headed by women) and the rehabilitation of existing housing, without displacing existing low and moderate income residents. The policies in the Housing Element cover the following issues:

New Construction of Housing

Policy 1: NEW HOUSING CONSTRUCTION. Encourage the construction of new housing units of all types and prices which help to achieve the Town's housing goals and objectives and are consistent with the General Plan and other Town policies.

Policy 2: HOUSING DESIGN. Encourage a range of architectural styles.

Policy 3: LOCATION AND DENSITY OF DEVELOPMENT. Higher density residential development should be concentrated in areas close to Sir Frances Drake Boulevard and/or Downtown commercial development.

Policy 4: SCHOOL AND UTILITY SITES. The Town recognizes existing school sites and utility facilities as important assets to the community. If site are designated as surplus by the school district or utility company, the Town will determine the best use of this valuable land resource.

Policy 5: AREAS WITH HAZARDS. Allowable densities in steeply sloping and ridgeland areas will be based upon the degree of slope as set forth in the Fairfax Zoning Ordinance and according to environmental factors which might threaten the health and safety of potential residents.

Policy 6: SCALE AND TYPE OF DEVELOPMENT. New development in existing residential areas must be of a scale and type complementary to existing development.

Policy 7: TRAFFIC IMPACTS. Related transportation and land use policies shall ensure that traffic mitigation is considered as part of all development approvals. This includes major commute arterials (Sir Francis Drake Blvd. and Center Blvd.) and residential streets. Traffic in residential neighborhoods should be kept at a minimum. Through-traffic should be channeled to arterials which do not bisect residential areas; the level of development on undeveloped lands which can only be served by roads passing through existing neighborhoods shall be limited to densities which will not adversely affect the existing neighborhoods.

Low and Moderate Income Housing

Policy 8: SECOND UNITS. Allow second units to be developed on existing single family properties when they are not found to induce significant adverse traffic or environmental impacts.

Policy 9: MIXED USE AREAS. Encourage residential units with commercial development in appropriate locations in the Downtown area.

Policy 10: INCLUSIONARY HOUSING. Developers in Fairfax will be required to provide a percentage of the units affordable to low and/or moderate income households in new housing developments of a certain size.

Policy 11: GOVERNMENT PROGRAMS AND OTHER FUNDING SOURCES FOR THE CONSTRUCTION OF AFFORDABLE HOUSING. In a cooperative public and private effort, the Town will encourage developers (both for-profit and non-profit) to utilize available government programs and funding from other sources to develop low and moderate income housing.

Policy 12: HOUSING FUND. The Town will seek funds from public and private sources for the creation of a restricted housing fund to facilitate any of the Town's housing programs.

Policy 13: FAST-TRACK PROCESSING. The Town will facilitate processing and encourage development of affordable housing which meets special housing needs in the community as appropriate.

Policy 14: NEW AFFORDABLE RENTAL HOUSING. Encourage the development of low income rental housing in future multiple family developments.

Conserve Existing Housing

Policy 15: CONDOMINIUM CONVERSION. In order to retain its existing affordable rental housing, the Town will enforce its condominium conversion ordinance, which prohibits conversion of existing multiple family rental units to condominium ownership unless there is a clear public benefit.

Policy 16: RENT SUBSIDY PROGRAMS. The Town will encourage programs which make existing rental units affordable to low income households and the physically handicapped.

Policy 17: ACQUISITION OF EXISTING RENTAL HOUSING BY NON-PROFIT HOUSING SPONSORS. The Town will encourage non-profit sponsors of housing to acquire and rehabilitate smaller rental properties as a means of preserving existing affordable housing.

Policy 18: HOUSING REHABILITATION. In a cooperative effort of the public and private sector, the Town will encourage the rehabilitation of older housing to preserve neighborhood character and to create safe, habitable dwelling units, and, where possible, without significantly increasing costs to present low and moderate income residents.

Policy 19: ENERGY CONSERVATION. The Town will encourage energy conservation improvements in existing housing.

Policy 20: WATER MORATORIUM. The Town will urge Marin Municipal Water District to expedite provision of adequate water supplies for existing and planned development and to explore other measures to provide interim solutions to expand the supply of water for affordable housing projects. In addition, the Town will actively support applications to MMWD by non-profit developers who have received building permits from the Town for water allocations under MMWD's "Public Service Set-Aside".

Policy 21: DISPLACEMENT OF RESIDENTIAL UNITS. The Town will discourage the displacement of existing residential uses to other uses or to higher priced housing unless there is a clear public benefit or equivalent housing can be provided.

Assuring Non-Discrimination

Policy 22: HOUSING DISCRIMINATION. The Town is committed to providing housing opportunities for all people and will take appropriate actions to prevent housing discrimination in the local housing market.

Policy 23: ON-SITE RECREATIONAL FACILITIES FOR CHILDREN. The development of on-site recreational facilities for children as a component of new multiple family residential projects will be encouraged where appropriate on large scale projects.

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V. ATTACHMENTS

- (1) Letter From Bay Area Council
- (2) Figure 1: Potential Housing Sites Map

I. INTRODUCTION

STATE LAW REQUIREMENTS

The California Government Code requires each county and city to establish a planning agency which "shall develop and maintain a general plan." California planning law requires that the general plan and all its parts comprise an integrated, internally consistent and compatible statement of policies for the Town. Among the mandatory elements which must be included in a general plan is a housing element as described in Government Code Section 65583 :



"The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, and mobilehomes, and shall make adequate provision for the existing and projected needs of all economic segments of the community..."

The Housing Element of the General Plan is a statement of Fairfax's housing goals and policies which provide a framework for decision-making on housing issues. The Housing Element also includes an action program to address and resolve specific housing problems and needs.

Fairfax's previous Housing Element was adopted in 1986 in conformance with the specific requirements of state guidelines established for housing elements then in effect. The July, 1990, housing element update must conform to the requirements of Assembly Bill 2853, which includes three broad content requirements:

- (1) an identification and analysis of existing and projected housing needs and an inventory of resources and constraints relevant to meeting those needs;
- (2) a statement of goals, policies and quantified objectives;
- (3) a discussion of scheduled programs for the preservation, improvement and development of housing.

The California Department of Housing and Community Development (HCD) is responsible for reviewing the housing element of all cities in California for their compliance with state law requirements. Current State law requires that the Town's Housing Element be updated again by July 1, 1990. Section 65588(a) of the California Government Code provides that a housing element update shall evaluate the following:

1. The effectiveness of the housing element in attainment of the community's housing goals and objectives.
2. The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.
3. The progress of the Town in implementation of the housing element.

Following adoption of the 1990 Housing Element Update, the next revision to the Housing Element must be completed no later than July 1, 1995.

Housing Element law has been amended over the last several years to require the analysis of special housing groups to include homeless individuals and families (Chapter 1383, Statutes of 1986). The law also requires localities to identify sites suitable for emergency shelters and transitional housing.

Also as a result of new legislation (Chapters 1571 and 1572, Statutes of 1988), manufactured housing must be permitted on permanent foundation systems on all single-family zoned lots, so long as the unit is no more than ten years old on the date of application, and meets federal and optional local standards. Section 65852.3 specifies that local governments may impose architectural requirements on the manufactured home itself which are limited to roof overhang, roofing material and siding material, so long as the requirements do not exceed those required for a conventional home on the same lot. Section 65852.4 was added to specify that a locality may not subject an application to install a manufactured home to any administrative permit, planning or development process or requirement unless it is identical to those which would be imposed on a conventional home on the same lot.

HOUSING ELEMENT UPDATE PROCESS

The Draft Housing Element Update was prepared by Town Planning staff and consultants. New information on housing conditions, needs, and constraints to housing was compiled where possible. The Association of Bay Area Governments (ABAG) housing needs determination for the period 1988-1995 was analyzed based on information about recent housing construction trends in Fairfax and updated information about available housing sites. Finally, an evaluation of housing program achievements in Fairfax since 1986 and new housing program targets for the period 1990-1995 have been incorporated into the Update.

The Draft Housing Element will be reviewed by the State Department of Housing and Community Development (HCD) in July/August, 1990. After responding to comments from HCD, the Town will hold public hearings on the Draft Housing Element before the Planning Commission and Town Council. Public participation in the Housing Element Update process will be sought during these public hearings. Notices for all public meetings will be sent to Countywide non-profit housing sponsors, other Countywide organizations representing lower income households, newspapers, and interested citizens representing all economic segments of the Town to solicit as much public comment as possible.

HOW THE HOUSING ELEMENT IS STRUCTURED

The Housing Element must include a complete analysis of housing issues and needs so that appropriate policies and program actions can be devised which respond specifically to the Town's housing goals. The Housing Element is composed of the following three sections:

Existing Conditions: Highlighting population, housing and household characteristics in the community, the status of existing housing programs, recent construction activity and a discussion of constraints related to construction of housing. The discussion of available land describes potential housing sites. Density ranges are based solely on current General Plan and Zoning and can be severely restricted by the configuration of the lots and environmental factors.

Housing Issues and Needs: Including specific issues that make up the community's housing needs, such as future growth projections, special need groups (elderly, young families, physically disabled, etc.), housing rehabilitation and others. This part of the Housing Element provides a foundation for the City's housing goals, objectives, policies and action programs by presenting major policy considerations.

Housing Element Goals, Objectives, Policies and Programs: Providing a statement of what the community wants to achieve through the Housing Element. Goals being the ideals we strive for, or the desired state of things. Objectives are defined as steps toward the goals, which measure progress and are usually expressed in quantified terms or targets. Policies establish a recognized community position on particular issues. Programs are specific actions that the Town, or other specific entities, intend to implement to assure the attainment of the Housing Element's goals and objectives.

II. EXISTING CONDITIONS

This section of the Housing Element describes existing housing conditions and the status of affordable housing programs in Marin County as a whole and the Town of Fairfax in particular. Some of the data are from the 1970 and 1980 U.S. Census, while more recent information is from the California Department of Finance, ABAG, the Marin County Housing Authority, the Bay Area Council, and Town or locally kept statistics. In some instances, U.S. Census data are for the Town only, while other data are derived for the entire Fairfax Planning Area (or Sphere of Influence), which stretches from White Hill to San Anselmo.

PROFILE OF MARIN COUNTY AND THE TOWN OF FAIRFAX

Population Changes

Like Marin County as a whole, Fairfax is a highly desirable place to live because of its proximity to San Francisco and its natural beauty. Development in the Town has preserved important physical features such as ridgelines, hillsides and natural areas, and provided a pleasant living environment. The tables below show future projections for the county and the town.

Marin County Projections

Category	1980	1990	2005
Population	222,568	232,200	258,350
Households	88,723	98,320	112,900
Average Household Size	2.4	2.3	2.2
Jobs	77,853	99,950	132,300
Population/Jobs Ratio	2.9/1	2.3/1	1.9/1
Source: ABAG Projections '90			

Fairfax Projections

Category	1980	1990	2005
Population	8,402	8,200	8,700
Households	3,620	3,780	4,310
Average Household Size	2.3	2.2	2.0
Jobs	1,231	1,190	1,440
Population/Jobs Ratio	6.8/1	6.8/1	6.0/1
Source: ABAG Projections '90			

According to the State Department of Finance, between January, 1985 and January, 1990, the population in the Town of Fairfax increased 1.8%, from 7,320 to 7,457. Fairfax currently has about 3.1% of Marin County's 237,028 population. The Fairfax Planning Area, which includes surrounding unincorporated areas as well as the Town limits, contained 8,402 people in 1980, or about 3.8% of Marin's 222,177 population. By the year 2005, the ABAG projects that the County's population will be 258,350 (an increase of 35,782 from 1980). The Fairfax Planning Area is projected to contain 8,700 people by 2005, an increase of 3.5% from 1980.

In many ways, however, Fairfax is a unique community compared to the rest of the county. Despite being part of the urban corridor of the county, growth pressures and the high demand for housing have not significantly reduced the economic diversity of the community. Still, Fairfax's housing conditions and needs are reflective of many area-wide and nation-wide trends. Statistics over the past 20 years show that people are living longer, having fewer children and forming smaller households. However, these past trends may be inconsistent with recent increases in the enrollment of school-age children. The number of households needing housing units is expected to increase significantly in proportion to the projected increase in population over the next twenty years. For example, during the period 1985-1990, ABAG's "Projections 90" report shows that the Town of Fairfax lost approximately 1% (100) of its population, but gained 2% (90) new households. In addition, there are more divorces, more single-parent households (especially those with a female head of household) and more single-person households resulting in special housing needs, especially for lower cost housing. Higher construction costs, land costs and interest rates have increased the price of housing out of proportion to many people's ability to pay.

Housing Prices

The Town of Fairfax is one part of the housing market area that makes up Marin County as a whole. Existing trends and future conditions county wide will affect housing needs, prices and affordability in Fairfax. In 1980, the median home price in Marin was \$151,000 and the median rent was \$348, which was significantly higher than the Bay Area's median home price (\$98,000) and median rent (\$274). In fact, Marin's home prices were 20% higher

and rents were 10% higher than San Mateo County in 1980, which had the second highest home prices and rents in the Bay Area. In 1980, Fairfax's median home price was \$120,900 and the median rent was \$327, which were both lower than the county median.

The sales price of housing has increased significantly over the past decade, although it has somewhat stabilized over the past year. According to the Marin County Assessor, the median sales price for a single-family home in Fairfax was \$253,500 in 1989, compared to \$389,650 in the county as a whole. Median rents have risen as well.

Median Home Values and Rents

Location	Median Value	Percent of County Median	Median Rent	Percent of County Median
Fairfax	\$120,900	80%	\$327	94%
San Rafael	\$148,300	98%	\$304	87%
Sausalito	\$200,100	133%	\$419	120%
Corte Madera	\$140,000	93%	\$383	110%
San Anselmo	\$133,500	88%	\$318	91%
Novato	\$130,800	87%	\$333	96%
Marin County	\$151,000	100%	\$348	100%
Source: 1980 U.S. Census				

The Bay Area Council reports that after sharp increases in the early 1980's, construction of multi-family housing increased dramatically in the region. As a result, rents generally were stable for several years. However, a slowdown in rental construction occurred in 1987 and 1988, causing rents to climb again. In October, 1989, the Bay Area Council reported that Median rents in Marin and San Mateo County were tied for the second-highest levels in the region. Median rents were reported at \$825. Only San Francisco's median rents exceed this rate at \$975.

Household Size

Decreasing average household size has had an effect on population and housing demand in the Town. This is due to people living longer, having fewer children and the increase in divorces. In 1970, Fairfax had an average household size of 2.6 persons. The Town average has decreased to 2.2 persons per household in 1990. By the year 2005, the average throughout the entire Fairfax Planning Area is projected to decrease to 2.01 persons. Thus, while the Planning Area's population is expected to increase by 298 people between 1980 and 2005 (an increase of 3.5%), the number of households is expected to increase by 690 (an increase of 16%).

Vacancy Rate

The percent of vacant units provides a quantifiable measurement of supply and demand. The rule of thumb is that a 4.5% to 5.0% vacancy rate indicates a good balance of supply and demand in the housing market. High demand and short supply results in continued use of units which are overcrowded, unsafe, unsanitary or otherwise unsuitable for residential use. It also results in high prices and rents, which most severely impact lower income households, people on fixed incomes, families with children and other special need groups. Vacancy rates determined by the California Department of Finance and comparative data on average household size are shown below.

**Average Household Size and Percent
Vacant Units (1985 and 1990)**

Jurisdiction	Percent Vacant		Average Household Size	
	1985	1990	1985	1990
Fairfax	4.4%	4.2%	2.2	2.2
San Rafael	1.3%	1.4%	2.2	2.2
Sausalito	3.0%	2.7%	1.7	1.7
Corte Madera	1.9%	1.4%	2.4	2.4
San Anselmo	2.5%	2.3%	2.2	2.2
Novato	2.3%	1.5%	2.6	2.6
All of Marin County	2.4%	2.9%	2.3	2.3
Source: California Department of Finance, January, 1985 and January, 1990				

Based on the 1980 Census, it is estimated that the percentage of vacant rental units is lower than the Town's total vacancy rate, which includes both for sale and rental units.

The estimated vacancy rate for all of the cities in Marin County was 2.91% in January, 1989, which is down one percent since 1986. Fairfax's vacancy rate was estimated to be 4.2%, which is the highest rate in the County. Nevertheless, the data indicate that there is a short supply of housing throughout the county, especially for rental units. As illustrated above, the data also indicate that Fairfax's vacancy rate is falling and will probably continue to fall as demand increases.

Household Income

Fairfax's median household income in 1980 was only slightly below the Bay Area median, but it was about 18% below the county as a whole. Between 1970 and 1980 the Town's median household income increased 105%, while the median household income in the Bay Area as a whole increased 111%. Over the same period, the median home price in Fairfax

increased 360%. Thus, in 1980 about 40% of the Town's households were considered low income (less than 80% of median income) and 20% were considered moderate income (between 80% and 120% of median income). Overall, the impact of high housing prices and rents is most severe on households with lower incomes. According to the 1980 Census, 76% of the Town's low income households paid more than 25% of their income on housing, with 74% of those "overpaying" households being renters. This impact is more severe on low income households since they have less disposable income for other necessities or savings. The distribution of Fairfax's households by income is shown below.

Household Income (1980)

Household Income	Fairfax	Marin County
Less than \$5,000	8.5%	6.9%
\$5,000-\$9,999	13.2%	9.5%
\$10,000-\$14,999	14.4%	11.6%
\$15,000-\$24,999	25.9%	22.8%
\$25,000-\$49,999	32.6%	34.3%
\$50,000 or more	5.4%	14.8%
Median Income	\$20,212	\$24,569
Source: 1980 U.S. Census		

According to ABAG's *Projections '90* report, Marin had the highest increase in household income in the region during the 1980s. ABAG's estimated mean household income for the Fairfax planning area is \$46,500 in 1990, and is projected to be \$50,900 by 1995. The mean for all of Marin County in 1990 is estimated at \$62,700 and is projected to be \$69,400 by 1995.

Projected Mean Income (1980 - 2000)

Year	Fairfax	Marin County	Bay Area
1980	\$38,240	\$50,340	\$39,736
1985	\$44,200	\$57,200	\$43,300
1990	\$46,500	\$62,700	\$46,200
1995	\$50,900	\$69,400	\$48,900
2000	\$54,400	\$75,000	\$51,500
Source: Association of Bay Area Governments Projections '90			

Employment

The table below shows the distribution of employed residents by the types of jobs they hold. For the purposes of the table, a "lower" paying job has an estimated salary of less than \$25,000 per year and a "higher" paying job pays above that.

Employed Residents in the Fairfax Planning Area By Estimated "Higher" and "Lower" Salaries (1980)

Occupation	Number	Percent
<i>Estimated "Higher" Salaries</i>		
Executives/Managers	671	14%
Professionals	864	18%
Sales Management	365	8%
Administrative Support Supervisors	132	3%
Precision Production Supervisors	25	1%
<i>Subtotal</i>	<i>2,057</i>	<i>43%</i>
<i>Estimated "Lower" Salaries</i>		
Technicians (nurses, etc.)	176	4%
Sales Workers	143	3%
Administrative Support Workers	572	12%
Service Workers	770	16%
Farming/Craft and Repair	614	13%
Precision Production Workers	88	2%
Transportation	133	3%
Laborers	161	3%
Machine Operators	58	1%
<i>Subtotal</i>	<i>2,715</i>	<i>57%</i>
Grand Total	4,772	100%
Source: 1980 U.S. Census		

In 1980, a larger proportion of Fairfax residents were employed in potentially lower paying jobs, such as clerical, labor and machine operators, than county residents as a whole. About 57% of the Town's employed residents work in jobs estimated to be "lower" paying. This distribution is similar to the proportion of households in 1980 which were considered either low or moderate income, where they earned less than 120% of the median income in 1980 (\$24,728). In constant 1988 dollars, ABAG projects that the average household income in Fairfax will increase from \$38,240 in 1980 to \$58,300 by 2005 (ABAG Projections '90). The countywide average income is projected to increase from \$50,340 in 1980 to \$79,500 in 2005. Note that the county wide figures are the highest in the nine-county region.

The 1985 Economic Element of the Marin Countywide Plan identifies Marin County as having one of the highest labor force participation rates in the nation. In 1980, 121,545 of Marin's 222,568 residents were employed or seeking employment, for a labor force participation rate of 55%. This high rate is due to a number of factors, including an increase in the number of working women. But it is also due, at least in part, to the high cost of living in the county. Part of which is affected by the high cost of housing.

Unemployment rates in Marin County have historically been two to four percentage points lower than regional, state and national figures since 1950. This reflects the attraction of Marin County to relatively high income families. The Economic Element identifies areas of above average unemployment as Fairfax, Marin City and downtown Novato, where unemployment rates have run six to ten percentage points above the county average. These areas are the target for job training, retraining and placement activities of a number of human services organizations.

Housing Ownership

Owner-occupants comprised 57% of the total occupied units in Fairfax in 1980 (estimated 2000 households in 1990), with 43% of the occupied units being rented (estimated 1508 households in 1990). In Marin County as a whole, 60% of the units were owner-occupied and 40% were renter-occupied in 1980. In 1980, the proportion of detached single-family homes that were rented was about 24%. The proportion of attached single-family homes (including condominium and townhouse units) that were rented in 1980 was about 53%.

Households with one or more persons over 65 years of age comprised 20% of the occupied units in Fairfax in 1980. These "elderly" households predominantly lived in owner-occupied units based on 1980 U.S. Census information. Owner-occupants comprised 80% of these elderly residences and renter-occupants comprised 20%. Countywide, 30% of the elderly households rented their homes.

In recent years, housing for the homeless has become a more recognized need nationwide as well as throughout Marin County. California law now requires that local housing elements address the housing needs of the homeless. Currently, housing for the homeless is provided on an emergency shelter basis by various churches throughout the county. The Housing Center of Marin, a non-profit organization coordinating emergency shelter for the homeless, estimates that at any one point in time there are between 300 to 500 homeless people in Marin County. However, some estimates of the homeless population are as high as 2,000. The Marin Housing Center currently operates the following permanent emergency shelters in San Rafael which are the closest facilities to Fairfax: (1) Emergency Shelter, East San Rafael, with 30 dorm-style beds; (2) Transitional House, Dominican Area, with 20 beds for families, elderly and disabled; (3) Voyager/Carmel Program, Downtown, with 21 beds in rooms for single-occupants, serving the mentally disabled; and (4) Armory, Civic Center, with a capacity of 100 beds, which is used only during winter months.

Based on the current Town to total County population ratio, Fairfax's share of the County's homeless population could be estimated to be 3.1%. Thus, Fairfax's share of the regional homeless population would range from 9-15 people. However, discussions with the Police Department and other knowledgeable sources, indicates there are in fact few homeless in Fairfax.

A Countywide Homeless Working Group is currently working on the long-term needs of the homeless within Marin County. The primary recommendations of the Countywide Homeless Working Group, as of March, 1990, include: (1) establishment of year-round permanent facilities dispersed throughout the County; (2) establishment or expansion of "drop-in" centers with case management and service referral programs; and (3) establishment of a permanent committee on the homeless.

Based on current best estimates of the local homeless population, the County as a whole has unmet need for emergency shelter for the homeless. Whether it would be appropriate to disperse shelters throughout the County to meet this need is an issue for further consideration. It may be more appropriate to concentrate facilities and services to provide easier access for the homeless population in the County.

The Town's Zoning Ordinance does not establish impediments for construction of emergency shelters. The Town would apply normal standards for emergency shelters as conditions of approval to a Use Permit, similar to any group care/housing facility.

Family Composition

There were more divorced and widowed residents as a proportion of Fairfax's population than the County as a whole. The proportion of divorced, separated and widowed people over 14 years of age residing in Fairfax has increased from 16% in 1970 to 22% in 1980. The number of married people in the Town over 14 has decreased from 60% in 1970 to 44% in 1980. The number of single people has increased from 24% in 1970 to 34% in 1980. Of the 890 households in 1980 with children under 18 years of age, 33% (297 households) were headed by a single parent, with 84% of those households headed by a single mother. In 1980, there were a total of 3,272 households in the Town.

Population Age

Fairfax's 1980 population included slightly fewer children and fewer elderly as a proportion of the population than the county as a whole. However, the Town has a very high proportion of young adults (ages 19-34) compared to the rest of the county. It is noteworthy that the number of children under 18 years of age in Fairfax decreased by 32% between 1970 and 1980, while the Town's population as a whole decreased by 4% over the same time period. It is also noteworthy that the Town's elderly population has been decreasing as well, unlike most Marin cities. From 1970 to 1980, the number of people in Fairfax over 65 years of age decreased 8%, from 734 to 676. The median age in Fairfax increased from 29.2 to 32.0 years of age between 1970 and 1980, indicating that there are fewer children and a general aging of the Town's population. The table on the next page shows the age distribution of the Town's population compared to the county as a whole.

1980 Age Distribution

Age Group	Fairfax	Marin County
Under 15 Years of Age	17%	17%
15-18 Years of Age	4%	6%
19-34 Years of Age	39%	29%
35-54 Years of Age	24%	27%
55-64 Years of Age	7%	10%
Over 65 Years of Age	9%	10%
Source: 1980 U.S. Census		

Between 1990 and 2005, ABAG, in its *Projections '90* report, projects that the median age in Marin County will increase from 37.7 years in 1990 to 41.6 years in 2005. Marin County residents are expected to have the highest median age in the Bay Area in 2005, when more than 22% of the population is expected to be over 60 years of age, an increase of 14% from 1980. The median age in the Bay Area as a whole is projected to increase from 33.6 years in 1980 to 36.8 years in 2005. The median age in Sonoma County, by comparison, is projected to increase from 34.4 years in 1980 to 38.4 years in 2005. The rapid population aging in Marin County will have significant impacts in terms of service needs.

Housing Types, Size and Age

In January, 1985, Fairfax contained about 3.6% of the housing units in Marin County. In 1970, 75% of the units in Fairfax were single-family homes, compared to 72% throughout the entire county. In January, 1985, 72% of the units in the Town were single-family compared to 68% county wide. In 1980, there were 3,444 housing units in the Town. There were 3,477 housing units in Fairfax as of January, 1985. Larger housing units, with 3 or more bedrooms, comprised 36% of the Town's housing stock in 1980. Smaller units, with less than 3 bedrooms, comprised 64% of the housing stock. Compared to the county as a whole, Fairfax has a larger proportion of smaller units.

Fairfax is one of the oldest communities in Marin and consequently has a high number of older housing units. About one-third of the Town's housing units are over 40 years of age. Most of the Town's older units are concentrated around Downtown. The tables below show the types, size and age distribution of the Town's housing stock.

Number of Bedrooms Per Unit (1980)

Number of Bedrooms	Fairfax	Marin County
None and One	20.6%	17.7%
Two	43.5%	30.9%
Three or More	35.9%	51.4%
Source: 1980 U.S. Census		

Age of the Fairfax Housing Stock (1990)

Years of Age	Number	Percent
Under 10 Years Old	456	13%
11-20 Years Old	727	21%
21-30 Years Old	762	22%
31-40 Years Old	415	12%
Over 40 Years Old	1,148	33%
Total	3,508	100%
Source: Derived by adding the number of units built between 1980 and January, 1990 (from the California Department of Finance) to 1980 U.S. Census data.		

1970 and 1990 Housing Units By Type

Type of Unit	Town of Fairfax		Marin County	
	1970	1990	1970	1990
Single Family	2,307	2,576	52,091	64,933
2-4 Units	424	608	7,205	9,885
5+ Units	335	324	11,943	20,059
Mobile Homes	6	0	721	1,691
Total	3,072	3,508	71,960	96,568
Source: 1970 U.S. Census and Department of Finance (January, 1990)				

In January, 1990, the Town of Fairfax contained 3.6% of the housing units in Marin County. Of these units, 73% were single-family in Fairfax, compared to 67% countywide.

The next section of the Housing Element describes the status of programs which the Town has implemented since the 1981 Housing Element was adopted. The intent of these programs has been to meet the identified housing needs of the Town, such as rehabilitation needs, rent subsidies, etc.

STATUS OF EXISTING HOUSING PROGRAMS

The Town of Fairfax's record of achievement in providing affordable housing and meeting a wide variety of housing needs is one of the best in Marin County. In a 1988 letter to the Town, included in the 1990 Housing Element, the Bay Area Council acknowledged Fairfax's "valuable contribution to the well-being of the residents of your community and the economic health of the Bay Area as a whole" by meeting 122% of its need for housing affordable to low- and very low-income households. Fairfax has utilized a large number of techniques to preserve and promote affordable housing, including the approval of several non-profit housing projects, implementation of an affordable housing design competition and financial participation in the Rebate for Marin Renters program to provide rental assistance for lower income households. The 1990 Housing Element incorporates all of the policies and programs from the 1986 Element although an attempt to fine tune existing programs based on past experience as well as tailor new implementation programs to meet present needs has been made. The following sections describe the effectiveness of the 1986 Housing Element policies in greater detail.

Effectiveness of the 1986 Housing Element



Preparation of the 1990 Housing Element Update programs and policies involved evaluation of the 1986 Housing Element performance, construction trends, and future program funding availability. This evaluation is summarized in the table below. In general, the Town achieved the greatest gains in provision of affordable housing through support of non-profit sponsored housing projects. Actions by the Town such as waiving permit

fees, reducing development standards, and fast track application processing have been important to successful completion of these developments. It is estimated that 74 units (80%) of the 92 units built or rehabilitated between 1985-1987, have been affordable to low and moderate income households.

The Town will continue to implement its policies to support non-profit affordable housing development applications during 1990-1995. Of the 223 units anticipated to be developed in the Town between 1988-1995, 123 units (55%) are expected to be affordable to low and moderate income households.

Another important opportunity for affordable housing identified in the 1986 Housing Element is mixed use development in Downtown Fairfax. Existing Town regulations are very supportive of this type of use: second floor residential uses are a permitted use in the Central Commercial Zoning District; and mixed use development capacity is not limited by the Town General Plan in terms of potential residential densities in the Downtown or by parking capacity which exists along the "Parkade", an improved railroad right-of-way in the Downtown. One example of the Town's willingness to permit second floor residential development occurred in 1990 when three units above the Fairfax Bakery were destroyed in a fire. Although one of the units was illegal, the Town has approved plans for three replacement units.

Even with the regulatory and political framework in place to permit downtown residential development, no new development has occurred since 1985. This may be due to such factors as a lack of adequate information regarding downtown residential development potential or a lack of market interest in this type of housing. To respond to these issues and improve the potential for short-term downtown residential development, the 1990 Housing Element includes the following changes: (1) expanded the 1986 Housing Element policy to encourage mixed use development to include more specific language regarding preparation of a downtown housing feasibility study by 1992; and (2) added a new program to develop a public awareness campaign regarding Housing Element policies and affordable housing opportunities such as downtown mixed use development.

The 1990 Housing Element's new Implementing Action 1.5 to develop a public awareness campaign goes beyond identification of housing policies and development procedures to publicize the Town's receptive attitude toward new ideas and willingness of Town staff to work closely with applicants throughout the development review process. This program should have an overall beneficial effect on the Town's ability to meet the 1988-1995 housing needs determination.

General Development Trends

Between January, 1985 and January, 1990 Building Permits were issued for 112 new residential units; including 36 single-family detached homes, 6 second units, and 70 apartments. During the same period there were also 5 single-family detached homes and 4 apartments lost due to demolition, making the net gain in residential units over the past five years 103 units. Below is a summary of development trends:

(a) Development between 1970 and 1990: A total of 514 units have been added to the Town's housing stock since 1970 (new construction minus demolitions and conversions); an average of about 26 units added per year. If the 70-unit Bennet Senior Housing project is subtracted from total units built, the average annual number of units since 1970 is 22 units. The units added include 218 single-family homes (42%) and 305 multiple family units (58%). Between 1970 and 1980 there were 311 owner-occupied units added (+20%) and 45 renter-occupied units added (+3%). The U.S. Census in 1970 and 1980 and the State Department of Finance in 1985 and 1990, show that in 1970 there were 3,069 units in Fairfax; 3,444 in 1980; 3,477 in 1985; and 3508 in 1990. (These are the best available data sources, although they may not accurately reflect the number of housing units in Fairfax. These figures are in dispute and the Town is currently challenging the U.S. Census).

(b) Low and Moderate Cost Housing Built or Established Since 1985:

Buckelew House (residential care facility for 12 people)

Glen Drive (9 single-family owner-builder units)

Bennett House (70 unit project for elderly and disabled)

Live Oak Demonstration Units (2 units)

Piper Court (Rehabilitation of 27 apartment units for Section 8 certificate holders)

(c) Low and Moderate Cost Units In the Planning Stage:

(1) Christ the Victor Lutheran Church (20-30 unit senior housing project)

(2) Vest Pocket (shared housing 24 bedrooms for very low-income residents).

(d) Additional units at build-out: In a 1989 study of Upper Ross Valley development potential, the County Planning Department estimated that 352 additional single-family units and 59 multi-family units could be added to the housing stock. However, the difficulties in developing many of these lots must be recognized. Some lack road access or water and sewer hookups. Others are on very steep slopes, or are in wetlands, areas of soil instability, areas of severe fire hazard, flood zones, or on protected ridgelines.

(e) Total build-out: A rough estimate of the total number of housing units in the Town of Fairfax at total build-out can be made by adding the 1990 number of dwelling units (3508) to the estimated additional units at build-out (411). The estimate of potential housing units in Fairfax is 3919, an 11% increase over the 1990 housing stock. Again, this assumes development feasibility at a number of inherently difficult sites to develop.

Inclusionary Housing

The Town currently implements the inclusionary policy in the existing Housing Element, which requires that between 10% and 15% of the units in projects of 10 or more units be affordable to moderate income households. To date the Town has not approved any projects with inclusionary units. The only larger project approved since 1981 was the Bennett House project, which is all low income housing. However, the Kimberly Court project (formerly Faircreek Commons), approved at 22 units but approvals lapsed, presents an opportunity to apply the inclusionary policy now that a new application has been made for development at the site.

Low Income Housing Developments

The Town has approved or is considering several low cost housing projects sponsored by non-profit housing groups such as Ecumenical Association for Housing (EAH), Innovative Housing and the Buckelew House organization. Below is a summary of each project:

PROJECTS BUILT:

(a) Fairfax Family Homes/Glen Drive: Sponsored by EAH, the Glen Drive project is a single-family, owner-builder project for low- and moderate-income families comprised of 9 units completed in 1986.

(b) Buckelew House: Sponsored by Buckelew Houses and managed by EAH, this residential care facility serves a maximum of 12 mentally disabled adults. Project completed and occupied in 1986.

(c) Live Oak Demonstration Project: This project was approved by the Town in 1984 and resulted from a design competition. The winning design was for a single-family residence and second unit located under the carport on the Town's small land holding on Live Oak Avenue. The two units are to be by EAH and will be made available to lower income households. The project was completed in 1988.

(d) Bennett House: Bennett House is a 70 unit affordable housing project for elderly and handicapped individuals. It is situated adjacent to the St. Rita's school playground. The project is owned by the Catholic Archdiocese and managed by EAH. Construction was completed in 1986. The Town facilitated the construction of this project by allowing a density transfer for the entire church site acreage to be counted in arriving at the overall density for the project.

(e) Piper Court Apartments: Ecumenical Association for Housing (EAH), in partnership with the John Stewart Company acquired a 27-unit two-bedroom and

three-bedroom apartment complex in 1987 and completed rehabilitation in 1988 with the support of CDBG, HUD Rental Rehabilitation Program and San Francisco Foundation funding. These units are rented to tenants with rent subsidies.

PROJECTS PROPOSED:

(f) Vest Pocket: Innovative Housing (IH) sponsors shared housing projects throughout the county. IH has secured \$700,000 in CDBG funds and other State and private funds for the purchase and remodeling of a church which contained one single-family unit and 4 multi-family units. These units will be replaced by 24 bedrooms in five single-family homes. Residents of Vest Pocket will be single persons, handicapped persons, and single parent-households with children. IH estimates that 24 adults and 10 children could reside at Vest Pocket. To qualify for these units, residents must have very low incomes, 60% of the County median income. If approved by the Town, these units will remain affordable permanently since the land is owned and will be managed by IH. In addition, IH has an approved use permit to allow five live-in artist studios as an interim use within the Innovative Housing facility at 75 Park Road.

(g) Low Income Elderly Housing: Christ the Victor Lutheran Church is interested in committing its property in Fairfax to charitable purpose, particularly housing for the elderly. In 1990, the Church received a \$12,000 CDBG grant to study the feasibility of constructing 20-30 units of low income senior housing on 3-4 acres adjacent to the Church. The project would receive HUD 202 funding if determined to be feasible.

Rental Assistance Programs:

Several programs have been used in Fairfax to reduce rents low-income households have to pay. These programs include the federally funded Section 8 Rental Assistance Program, Project Independence and the Rebate for Marin Renters programs.

(a) Section 8: There are currently 70 households receiving Section 8 rental assistance in Fairfax. The program, administered by the Housing Authority, provides a cash payment to landlords who rent to qualified low-income households, with the tenants paying up to 30% of their income on rent. There are currently 1312 households provided assistance with the Section 8 program throughout the County. Of those, 90% are very low income (earning less than 50% of median income). The distribution Countywide includes 34% elderly, 18% disabled and 48% families. The waiting list is opened once a year in October. As of August, 1989 there were 1301 households remaining on the waiting list, with 3% of those residing in Fairfax. According to the Housing Authority, future federal funding of Section 8 vouchers is expected to decrease steadily. Thus, the Housing Authority hopes at least to be able to maintain those families whose vouchers periodically expire but still need the rental subsidy to afford housing in Marin. Housing Authority staff indicates that the program is not likely to expand in the future under present funding conditions.

(b) Project Independence: The Housing Authority also administers the Project Independence program, which is a state funded after-care program analogous to Section 8. Renters must be referred by a participating agency. There are 37 units funded county wide, but none of the units are located in Fairfax. Most of the people provided assistance are disabled.

(c) Rebate for Marin Renters: Local funds from all of Marin's cities and the county were matched by the San Francisco Foundation at a two for one rate, with additional non-matching funds, with a total of 5 households assisted in Fairfax. In 1989, Fairfax contributed \$2,932 to the program and received \$5,100 in funding. Countywide, 405 households were provided rental assistance in 1989.

Second Units:

There are an estimated 200 illegal, or unknown as to status, second units within the Town. This accounts for a large portion of the Town's affordable housing, and comprises about 10% of the Town's total housing stock. In 1985, the Town adopted a Residential Second Unit Ordinance, but due to procedural limitations with the Ordinance, the Town subsequently imposed a moratorium on the acceptance of second unit use permit applications. In June, 1985 a revised Ordinance was adopted by the Town. The new Ordinance is more restrictive than the old Ordinance and will result in the review of existing units that do not conform to the new standards on a complaint basis. The number of units that may be eliminated is difficult to estimate, but it could be significant. Since 1985, 6 new second units have been approved.

Rehabilitation Loan Programs:

The Housing Authority administers the Rehabilitation Loan Subsidy program. Community Development Block Grant funds for rehabilitation loans have decreased significantly over the last several years. The amount available for county wide use was \$491,600 in 1980-81; \$454,700 in 1981-82; \$284,000 in 1982-83; \$296,000 in 1983-84; \$275,000 in 1984-85; and \$280,000 in 1985-86. This represented a 43% decrease in funds since 1980. Increasingly in the last three years, individual communities have added Planning Area funds as well, including the Upper Ross Valley Planning Area (which includes Fairfax, San Anselmo and Ross). These additional funds are used in these areas only. Through June, 1985, a total of 226 loans were approved through the program for a total loan amount of \$2,421,556. In 1988-89, 285 loans were made at a total loan amount of \$3,631,884. There have been 25 loans approved in Fairfax which represents about 8.4% of the 297 loans made during 1988-89 in the County.

The Housing Authority also administers the Rental Rehabilitation Loan program. Approximately \$738,427 were loaned during 1988-89 for rehabilitation of 167 units countywide. Fairfax received funding to rehabilitate 27 units. The program has certain funding criteria: (a) for units located in an area having low income households and rents where displacement or gentrification is least likely to occur; (b) funds must be matched by the owner; (c) maximum amount of \$5,000 per unit; and (d) the current occupant and rents must be affordable to low income households.

Resale Inspections:

The Town inspects all residential units that are sold. The inspections mainly cover health and safety concerns and to assure compliance with Town zoning regulations. Approximately 188 resale inspections were conducted in 1989.

Equal Housing Opportunity:

The Town's 1981 Housing Element includes a policy to support equal housing opportunity. One of the major discrimination problems in Marin County is discrimination against families with children. The Marina Point Ltd. v. Wolfson 1982 court decision prohibits landlords from discriminating against families with children except in senior housing projects. The problem with discrimination against families with children or on the basis of race is aggravated by the overall very low vacancy rate for rental units throughout the county. Landlords generally have a number of prospective tenants to choose from in the current housing market. Aggrieved tenants are assisted by Tenants Association of Marin, Legal Aid Society, and Marin Mediation Services.

Review of Housing Element Achievements and New Program Targets

Program	1986 Housing Element			Comments
	1985-1990 Target	1985-1988 Actual	1988-1995 Target	
New Construction	100	122	80	Fairfax surpassed its 1985-1990 target. However, the annual rate of development in Fairfax is declining, primarily due to the dwindling supply of developable land. Between 1970-1980, 30 units were built per year on average. However, between 1985-1990, 10.4 units were built per year, not including the 70-unit Bennett House. Overall, the Town has more than adequate capacity to meet projected housing needs during 1988-1995.
Second Units	50	6	25	Achieved less than the program target. Several reasons explain the lack of applications for second units: (1) the cost of meeting standards, especially parking in steep terrain; (2) strict standards, including a maximum size of 700 square feet; (3) residents who have illegal or non-conforming second units do not want higher property tax assessments; and (4) moratorium on second units imposed during 1985 may have limited total applications.
Inclusionary Housing	5	0	5	No projects with more than 10 units were proposed during 1985-1990 other than those that were entirely for low income households, such as the Bennett House. The lack of larger development sites and other natural constraints, such as steep terrain, limits the opportunities to utilize this policy.
Other Government Programs	10	99	59	Fairfax has greatly surpassed its 1985-1990 target in large part as a result of the 70-unit Bennett House senior project and 27-unit Piper Court rehabilitation project. Several non-profit sponsored low-income housing projects are expected to be processed during 1990-1995.
Mixed Use	5	0	5+	Commercial development during 1985-1990 was very limited and not compatible with residential use. Potential exists for mixed use development in Downtown Fairfax. Potential for mixed use development in Downtown Fairfax will be examined in a feasibility study.
Rebate for Marin Renters	5/Year	6/Year	5-7/Year	Program funding will terminate in 1992. This target is based on an estimate by Housing Authority (MCHA) staff.
Section 8 Rental Assistance	38/Year	70/Year	70/Year	Due to continued reductions in federal funds, MCHA staff does not expect to increase the number of new vouchers, but will try to maintain the current number.

Continued on the next page

Review of 1986 Housing Element Achievements and New Program Targets

Continued from previous page

Program	1986 Housing Element		1988-1995 Target	Comments
	1985-1990 Target	1985-1988 Actual		
Project Independence	2/Year	0	2/Year	Did not achieve target. Countywide, 37 units are funded. Three Fairfax residents applied during 1985-1990. MCHA estimates 2 units of handicapped housing assistance is realistic for Fairfax during this period.
Residential Rehabilitation	8	25	10	Exceeded target. Fairfax has received 1-2 loans per year in recent years. MCHA estimates 10 new loans could occur through 1995.
Rental Rehabilitation	4	27	17-25	Exceeded target with rehabilitation of Piper Court. MCHA estimates 12-20 apartments and approximately 5 single family homes could be rehabilitated during this period.
Resale Inspections	600	900	600	Resale inspections expected to occur at current levels.
Energy Conservation	36	50	75	Exceeded target. Citizen Action Marin-Energy estimated that 75 units would be a realistic target by 1995.

AVAILABLE LAND

One of the primary market factors affecting the supply of housing is land availability and cost. Although the Town is largely developed, a number of large and small development sites remain which, in addition to other infill development opportunities such as downtown mixed use and second units, can be expected to meet the Town's housing needs during 1988-1995. While most of these available sites have severe environmental and access constraints that limit their potential for development, this section presents an inventory of vacant lands and describes the expected housing opportunities for each parcel. The individual parcels are also shown on Figure 1 at the end of the Housing Element in the same numbered order as below.

All sites in this inventory can be provided with necessary services and infrastructure, excepting water supply and access. A detailed discussion of the Marin Municipal Water District water supply constraints and opportunities in Fairfax to provide short-term water supply is provided in the Facilities Constraints section. Any access limitations and other constraints for each property are described below.

Single-Family Residential Development Potential

1. **Kimberly Court** (formerly Fair Creek Commons): This is a level site, approximately 2 acres in size, located in an area where multifamily development predominates. It includes a significant riparian area which is part of a 100 year flood zone. A total of 19 units are proposed to be developed on this site, which is zoned PDD, with a General Plan designation of 7 to 15 units per acre.
2. **Asia Palace Triangle:** This 0.5 acre property is located at the intersection of Olema Road and Sir Francis Drake Boulevard. It is currently zoned Limited Commercial and is shown on the General Plan as a commercial use. The site is partially located in a flood zone. It is developed with a restaurant and duplex but has potential for limited residential development. Approximately 2 to 3 single-family units could be built at this site.
3. **Meadowlands:** This approximately 6 acre site was subdivided in the 1960s, at which time a Planned Development was approved. EAH acquired about half of the property for the Glen Drive owner-builder project. Fragmented ownership and potential site hazards complicate the development of the remaining portions of this area. In addition, further development of the site would require a change in a previous development requirement that the remainder of the site be retained in open space. Because of this requirement, no additional development potential is estimated for this site.
4. **Serra Enterprises Parcel:** This is a 10 acre site adjacent to the Meadowlands. It is a land-locked site at present. The General Plan designation is .1 to .25 dwelling units per acre. It is estimated that approximately 2-3 units could be built on this site.

5. **Fairfax Hills:** While this is the largest residentially zoned property remaining in Fairfax (about 79 acres), it is subject to a number of severe constraints which limit its development potential. Much of the site is steeply sloped and subject to landslides. Access difficulties off Oak Manor Drive would make clustering essential. The site has a General Plan density designation of .1 to .25 units per acre. It may be possible to rezone this site PDD and permit development at a slightly higher density should adequate site design solutions be found. The Council has approved an 8-unit tentative map.

6. **Wall Property:** Difficult access problems to this approximately 68 acre site and steep slopes with unstable soil, limit the development potential of the Wall property. The General Plan designation is for .1 to .25 units per acre. Approximately 6 - 17 units could be built on this site.

7. **Cala Hill (also owned by Wall):** Access problems and dedicated but undeveloped roads make the development of this approximately 18.5 acre site inherently difficult. In addition, the site includes a prominent ridge which is protected under the ridgeline scenic corridor ordinance. The site is zoned PDD and has a density designation of .1 to .25 units per acre. It is estimated that between 1 to 4 units could be built at Cala Hill.

8. **Barker Parcel:** Approximately 70% of this 9 acre parcel is steep and hilly and has a General Plan density designation of .1 to .25 units per acre. The remaining portions of the site are reasonably level and may, according to the General Plan, be developed at 1 to 6 units per acre. Access should be possible. Development potential is estimated to be 3 - 16 units.

9. **Steinhagen Parcel:** Difficult access problems through narrow and winding roads pose significant fire protection problems for this 3.4 acre site. About 70% of the site, the more steeply sloped portions, are designated at .1 to .25 units per acre on the General Plan; 30% of the site is designated at 1 to 6 units per acre. Several lots were merged to form one parcel in 1984. Development potential at this site is assumed to be one dwelling unit.

10. **Tiscornia Properties:** This 2.5 acre property is part of an old subdivision. Due to the ownership pattern many substandard lots are merged into one large parcel. Access limitations and severe fire hazard resulting from existing vegetation and difficult terrain impose development restrictions. The site is designated at .1 to .25 units per acre on the General Plan. One dwelling is the estimated development potential for each of these sites.

Other Single-Family Development Potential (Not Shown on Figure 1)

There are about 352 undeveloped lots of record in Fairfax according to a 1988 County Planning Department study which are remaining from existing subdivisions. Many of these lots are undeveloped due to soil conditions, access and other environmental factors.

Multi-Family Development Potential:

11. **Fong Parcel:** This 0.4 acre site is located along Sir Francis Drake Boulevard, adjacent to the Cala Market and St. Rita's church property. The unusual location, sandwiched between a commercial strip and a parking lot will require a creative development solution. Zoned Highway Commercial, it has potential for mixed commercial development with up to 4-6 second floor residences.

12. **Spurgeon-Blackwell Site:** The 0.88-acre site is zoned RM and has a density designation of 7 to 15 units per acre on the General Plan. Eight market rate townhouses were approved for this site in early 1990.

Other Sites:

Marin Town and Country Club: This 23.5 acre property is a flat site bordered by San Anselmo Creek and steep hill areas. It is located in a residential and commercial area adjacent to San Anselmo. The historic use of the property is as a recreation facility. Since the facility was closed to the public, all of the housing units were rented and are a source of low income housing. The property was zoned CR (Commercial Recreation) by initiative in 1973, and is designated Commercial Recreation on the General Plan. Any modification of the zoning or approval of any project involving changes in land use will require a vote of the Fairfax electorate. The CR Zoning District permits housing only as an accessory to the recreational use, such as housing for workers employed on the site.

As this listing indicates, severe environmental constraints preclude higher density, multi-family development on all but a few sites. Some commercially zoned sites may also have potential for residential development.

Summary

Based on the estimated development potential of vacant lands described in this inventory, there is potential for 393-414 single-family units and 96-98 multi-family units. In addition, plans for 49-54 multi-family units are presently under development. Thus, the total estimated development capacity for Fairfax is 538-566 units, more than twice the total housing need of 258 units identified by ABAG for the period 1988-1995.

Opportunities for low- and moderate-income housing will most likely occur at sites planned for multi-family use. The ABAG housing needs determination calls for a total of 147 units of low- and moderate-income housing to be created in Fairfax during 1988-1995. Presently, 145-152 units of multi-family housing are planned or available for development in Fairfax. Programs and policies in the 1990 Housing Element project 123 units of low and moderate income housing will be provided by 1995. Of these, 49-54 units are presently under planning by local non-profit agencies for low-income single-parent households and seniors. Additional multi-family development potential will be evaluated in the downtown mixed use feasibility study described above.

The 1990 Housing Element program estimate of 223 units built during the period 1988-1995 can be broken into two components: low-moderate housing which is primarily a function of governmental regulation and program funding availability; and above-moderate income housing which is based on private market development trends. The potential for achieving the low-moderate housing targets established by ABAG within the 1988-1995 time frame are not constrained by land availability or lack of appropriate zoning, as noted above, but are limited in part by County and State affordable housing program funding levels. The above-moderate housing estimate of 80 units is based on recent trends as noted in the 1986 Housing Element Evaluation table. However, given the capacity for housing in the Town of Fairfax, it is possible that private housing development could intensify in the short-term and this estimate could be exceeded.

MARKET CONSTRAINTS

Besides the availability of land, other factors affect the price and quantity of housing built. These include the cost of land, construction costs and financing costs.

Land and Construction Costs

High land costs will continue to be a critical factor limiting the development of affordable housing in Fairfax. Land costs include the raw land purchase price, land financing costs and subdivision approval costs. Total developable lot costs vary in relation to location, amenities and allowable lot size.

Land costs per square foot increase as allowable densities increase. However, the increase in land costs is rarely proportional to the greater density permitted. For this reason, land costs per unit tend to be lower for multiple family residential construction than for single-family homes.

The Marin Builders Exchange calculated the following figures for a typical three-bedroom, two bath house in a small subdivision in Marin County (1988): (1) Land cost for level parcel, approximately one acre in size, located near existing roads, \$150,000; (2) infrastructure installation (storm drain, sewer and water lines, other utilities), \$10,000; (3) labor and materials for construction (2,000 square foot unit), \$150,000; (4) total: \$310,000. The Builders Exchange further subdivided the \$150,000 cost of constructing the house into the following percentage components:

Generalized Construction Costs for a
Single-Family Home in Marin County
(1988)

Item	Percent of Cost	Amount
Fees and Plan Check	3%	\$4,500
Foundation	5%	\$7,500
Lumber	10%	\$15,000
Labor (rough)	10%	\$15,000
Labor (finish)	3%	\$4,500
Cabinets and Counters	6%	\$9,000
Insulation	3%	\$4,500
Roof	7%	\$10,500
Doors	4%	\$6,000
Windows, Sliding Doors	3%	\$4,500
Siding	9%	\$13,500
Sheet Rock	5%	\$7,500
Painting	5%	\$7,500
Carpeting	4%	\$6,000
Appliances	3%	\$4,500
Heating and Plumbing	14%	\$21,000
Electrical Wiring	6%	\$9,000
Total	100%	\$150,000

Source: Marin Builders Exchange, 1988

The costs of constructing housing have risen significantly in recent years. According to a Bank of America, the typical cost to build an average quality wood frame single-family detached home (1,500 square feet in size) in the Bay Area ranges from \$95 to \$110 per square foot in 1990. In Marin County this cost can go up to \$200 per square foot for more expensive custom-built homes. Construction costs for an average multiple family unit are generally about 20-25% less per square foot. While construction costs for new housing have risen dramatically in recent years, so too has the cost of existing housing.

Increases in construction costs are not the only culprits in the overall increase in housing costs in the Bay Area or in Fairfax. The costs of labor and materials have also been increasing. The Marin Property Owners Association indicates that while labor contracts are the same in Sonoma and Marin Counties, Sonoma County labor costs are lower because there is more flat buildable land in Sonoma County and workers can get the job done faster. In addition, Sonoma County land prices are lower overall.

Financing Costs

In the late 1970s and early 1980's, home buyers were confronted with high mortgage interest rates, which were at about 14 to 15% for a 30-year, fixed rate loan. Adjustable Rate Mortgages (ARM's) were at about 11.5%, which can be adjusted to a maximum increase of about 5% over 30 years. Currently, 30-year fixed rate mortgages are over 10%. High financing costs are also discouraging to speculators or investors in residential properties who would normally provide rental units (single-family homes or apartments). As a result, an increase in owner-occupancy of existing single-family homes and condominiums is anticipated.

High prices and interest rates make qualifying for a loan more difficult. The following table shows what these interest rates mean in terms of monthly payment and qualifying for a loan for a below market rate unit (\$240,000) and median priced single-family home (375,000) with a 20% down payment (\$40,000 and \$75,000 respectively). The table uses the rule of thumb that the housing payment should not exceed 33% of a household's gross income.

**Monthly Payment and Income Needed
At Various Interest Rates and Loan Amounts
(1990)**

Loan Rate	\$200,000 Home Loan		\$300,000 Home Loan	
	Monthly Payment	Needed Income	Monthly Payment	Needed Income
7%	\$1,332	\$48,436	\$1,998	\$72,655
8%	\$1,468	\$53,382	\$2,202	\$80,073
9%	\$1,610	\$58,545	\$2,415	\$87,818
10%	\$1,756	\$63,855	\$2,634	\$95,782
11%	\$1,906	\$69,309	\$2,859	\$103,964
12%	\$2,058	\$74,836	\$3,087	\$112,255
13%	\$2,214	\$80,509	\$3,321	\$120,764
14%	\$2,370	\$86,182	\$3,555	\$129,273
Source: Loan Amortization Tables				

A large proportion of the households in Fairfax, or the County as a whole for that matter, would not qualify for the median priced single-family home. Two methods to reduce monthly house payment costs (either for renters or owners) are mortgage revenue bonds and second units.

Some of the optional financing techniques available include Adjustable Rate Mortgages (ARM's), seller financing at lower rates and "balloon" payments requiring re-financing. Several things should be pointed out about financing costs and alternative methods of financing. First, there are many alternatives. Second, all methods assume some kind of financial risk in terms of long-term commitment. Some people may refrain from buying or selling homes using some of these alternatives simply because they are not comfortable with the kind of risk involved.

In order to qualify for a mortgage loan, an applicant must be able to prove a degree of financial stability. Generally, as the amount of mortgage increases, the more proof lending institutions require. In October, 1989, Marin County Planning staff interviewed representatives from a number of banks in Marin as well as community leaders to assess whether or not the requirements of lending institutions are an actual or potential constraint to the development of housing. It was found that mortgage loans and rehabilitation loans are generally available, and if there are mortgage deficient areas in the County, it is not due to discriminatory practices by mortgage lenders, but rather the financial capabilities of individuals. Households qualifying for mortgages are generally able to obtain them. In response to high housing costs, some lenders were providing mortgages of up to 95% of the value of the house in 1989, a significantly higher percentage than normally allowed (80%).

FACILITIES CONSTRAINTS

The following summarizes potential facilities capacity constraints that could affect the ability of the Town in meeting its housing needs. In general, all services except water are adequate to serve existing and planned growth in Fairfax with normal upgrading as development occurs.

Transportation System Capacity

Highway: Congestion on Highway 101 is clearly a regional problem. Highway 101 is currently operating at capacity at peak hours throughout Marin County. Expansion of the highway's capacity is primarily the responsibility of the California Department of Transportation. The Highway 101 Corridor Plan Phase II study was completed in summer, 1989. Upon completion, Marin and Sonoma Counties began separate efforts to establish countywide sales tax ballot measures needed to fund corridor transportation improvements identified in the Plan.

In 1988 and 1989, a Transportation Expenditure Plan Committee composed of representatives from each Marin County jurisdiction prepared a draft Transportation Improvement and Growth Management Plan. This Plan will form the basis for the Marin Transportation Sales Tax Measure which is expected to be brought before the voters in November, 1990. In addition, the Marin Transportation Authority was formed by a Joint Powers Agreement to manage the sales tax funds, should they be approved. The Authority is a 7-member body which held meetings in 1990 to refine the policies of the Growth Management Plan.

As of June, 1990, all cities in Marin County were reviewing and considering actions to support or not support the provisions of the proposed Sales Tax/Growth Management Plan. Specifically, each jurisdiction is considering provisions in the Plan which establish countywide planning standards, define the types of projects that would come under the purview of the County Planning Committee, and the requirement that each jurisdiction's general plan conform to the County planning standards. These requirements would have to be met in order for each jurisdiction to receive their portion of the sales tax revenue.

Approximately 18% of the sales tax revenue will be distributed to the local jurisdictions. Fairfax's portion of this distribution will be \$ 119,000 per year. These monies may be spent on local road maintenance and transportation improvements. The bulk of the sales tax revenues will be spent on the improvements identified in the Transportation Improvement and Growth Management Plan.

Local Streets: Peak hour congestion presently occurs along Center Boulevard and Sir Francis Drake Boulevard. Due to existing development adjacent to the roadway in San Anselmo, both of these streets have limited expansion capability. The Town of San Anselmo is currently reviewing alternative ways to reduce congestion.

Water Service

Fairfax is provided water by the Marin Municipal Water District (MMWD). MMWD is an independent special district governed by an independently elected Board of Directors. The District utilizes a system of Countywide reservoirs and storage tanks to supply its service area. In February, 1989, MMWD imposed a prohibition on new water hookups beyond a total limit of 35,000 acre-feet (AF) annual potable water demand. MMWD had identified the need to obtain permanent new water supply totaling between 10,000 - 14,000 AF. This range is due to the fact that certain water supplies may be reduced during drought and, therefore, a higher annual supply may be necessary. A Water Supply Master Plan was adopted in October, 1989 which identified three alternative supply solutions. All Marin jurisdictions received a draft of the Plan and provided comments to MMWD.

The Plan calls for increasing the reclaimed water production from the Las Gallinas Valley Sanitary District to replace potable water hook-ups presently used for irrigation. The District estimates that 425 AF potable water could be saved through conversion of existing users and connection of some new users to reclaimed water sources. This amount of potable water could serve approximately 1,200 households.

Other supply solutions include securing a permanent water allotment either from the Sonoma County Water Agency or Yuba County water via the North Bay Aqueduct. Long-term contracts for 14,000 AF are under discussion with both agencies. Another option under study is to develop 10,000 AF of permanent supplies through desalinization of San Francisco Bay water. This would have the advantage of being a firm supply even during drought years.

By April, 1989, all remaining water had been allocated and a waiting list for new hook-ups was established by MMWD. The District set aside 100 AF for future public service related uses (e.g., a new County jail) and has identified approximately 1,100 AF of water that is committed but not presently used. Examples of these types of commitments are future development at Hamilton AFB (750 AF), meters on vacant property and second meters on properties with one operational meter (245 AF). The District has established a 1992 time limit for these inactive services to come on line or forfeit their allocation.

MMWD has implemented a number of water conservation measures to reduce future water demand. These measures include:

- (1) A tiered rate structure to discourage high water usage;
- (2) Requirements for low-flow water fixtures in new homes;
- (3) Landscape standards which limit turf areas to minor percentages of institutional, industrial, commercial, and multi-family residential projects, including condominiums; and
- (4) Requirements for automatic irrigation controls and low volume irrigation systems for all landscape areas.

Until new sources of supply are developed or existing commitments are forfeited, new development projects on the MMWD waiting list cannot be supplied. Additional supplies will take several years to acquire and develop. Housing projects are expected to be delayed in the short-term by this constraint because of the moratorium on new hook-ups, although opportunities exist at the present time to allow affordable housing projects under the District's set aside of 100 AF for public service uses. To date, a 28-unit project in another Marin city utilizing 8.25 AF has been granted a hook-up. To qualify for a portion of the Water District's "Public Service" set-aside, a housing project must be:

- (1) Eligible for a Community Development Block Grant (CDBG);
- (2) Developed by a government or non-profit agency;
- (3) Comprised entirely of units which are:
 - a. In the case of rental projects, for low and moderate residents whose incomes do not exceed 100% of the area median income; and
 - b. In the case of homeownership projects, for low and moderate income residents; and
 - c. Legally restricted to retain affordability for at least 30 years.
- (4) Reserving at least 50% of the units for persons or households defined as lower income;
- (5) One which has a commitment of public or Foundation funding.

As an interim water supply measure, in 1989, the Town adopted a Well Ordinance which allows individual wells to be developed and used for potable water during the MMWD moratorium period. This Ordinance applies to new water service connections only and includes the stipulation that all facilities for future connection to MMWD pipelines be installed so that when the moratorium is lifted, the connection to the MMWD system will

occur. In addition, the Housing Element includes a new policy for the Town to urge MMWD to expedite provision of adequate new water supplies for existing and planned development and to explore other measures to provide interim solutions to expand the supply of water to allow construction of affordable housing projects. Finally, as part of this same policy, the Town will actively support applications to MMWD by non-profit developers in Fairfax for water allocations under the Public Service set aside.

Sewage Treatment

Fairfax receives sewage treatment from the Central Marin Sanitation Agency (CMSA), a joint powers agency including Sanitary District #1 (including Fairfax and San Anselmo), Sanitary District #2 (including Larkspur), and the San Rafael Sanitation District. The Community Facilities Element of the Marin Countywide Plan indicates that 1987 dry weather flows were 7.9 million gallons per day and that the plant's design capacity is 10 million gallons per day. The estimated future residential development in Fairfax is not constrained by sewage treatment capacity at CMSA.

GOVERNMENT CONSTRAINTS

Government policies and procedures regulating development affect the availability and cost of new housing. Land use controls have the greatest direct impact, but development approval procedures, permit fees and building code requirements also affect housing costs as well. This section addresses the relationship of present policies to the Town's ability to address unmet housing need. In general, Fairfax's development requirements (fees, review procedures and development standards) are similar to other jurisdictions in the County. It should also be noted that almost all of the remaining land in the Town has severe environmental and access constraints, which require specialized treatment under the Town's Planned Development District (PDD) and the Hill Area Residential Development permit process (HRD).

The main potential constraint to development is the time it takes some projects to get approved. To deter this problem, the Town staff routinely encourages developers to meet with neighborhood residents as part of the development application process. In addition, the Town has codified its regulations, which may identify follow-up actions that can streamline the development review process.

Land Use Controls

The specific land use policies of the Town of Fairfax are designed to encourage infill development and limit new construction in steeply sloped and wooded areas. Review of individual development applications includes consideration and mitigation for environmental, design, traffic and other impacts. While the Town has helped facilitate the construction of affordable housing in a number of ways, such as allowing PUD's (planned unit developments) and clustered housing, it has not adopted as ordinance the Town's inclusionary requirements or a system for density bonuses for projects which provide affordable units. Instead, inclusionary requirements were made by policy. The 1990 Housing

Element includes a program to formally adopt the existing inclusionary housing policy requirements as a Town Ordinance by January, 1992.

The Town's RM zoning designation (multiple family residential) allows 1 unit for every 4,350 square feet of land area, and 1 unit for every 3,000 square feet of land area with a use permit. Although, there are few undeveloped areas of the Town so zoned. At 3,000 square feet of land area per unit, a maximum of 14 units per acre can be built. Consideration in certain instances of higher density allowances, in appropriate locations and for appropriate projects, could help to encourage more affordable housing. Elderly projects, for example, would have less need for parking and, therefore, could be built with less land area required per unit.

Fairfax encourages developers to submit proposals based upon architectural concepts which complement the Town's natural environment. To this end, the Town has established a Design Review Board to evaluate all multiple family housing proposals and those single-family housing proposals sited in areas zoned PDD (Planned Development District) or in the scenic ridgeline corridor or subject to an HRD Permit. These procedures will help to assure the quality development of the Town's few remaining large parcels. Fairfax has adopted standards increasing the required width for roads to service new development. Although necessary to provide fire protection to homes in remote hillside locations, roads built according to these new standards have increased the cost of development. The Town is currently developing residential design review policies to inform builders of local standards and preferences.

All Town building requirements are consistent with the Uniform Building Code. The table below compared Fairfax's development standards with those of other jurisdictions in Marin County.

Comparison of Development Standards

Jurisdiction	Zone	Name	Lot Size			Cov	Setbacks			Height	
			Area	Width	Depth		Front	Rear	Side	Limit	Parking
Fairfax	RS-6	Single Family	6,000	60'	None	35%	6'	12'	5'	28.5**	2/unit
Mill Valley	RS-6	Single Family	6,000	60'	None	40%	15'	6'	6'	25'/35'	2/unit
Ross	R-1	Single Family	5,000	50'	100'	20%	25'	40'	15'	30'	2/unit
Marin County	R-1:B-1	Single Family	6,000	50'	None	30%	25'	25'	5'	35'	3/lot
San Rafael	R-1	Single Family	5,000	50'	None	40%	15'	10'	5'	30'	2/unit
Novato	R-1:B-1	Single Family	6,000	50'	75'	40%	25'	10'	6'	30'	2/unit

**Based on interim urgency ordinance which permits 35' for downslope lots.

Source: Zoning Ordinances of Jurisdictions, 1990

Permit Approval Process

Like all local jurisdictions, the Town of Fairfax has a number of procedures and regulations it requires any developer to follow. A project proposed in Fairfax is involved in some combination of the following review processes: environmental review, annexation, zoning, subdivision, design review, use permits and building permits. Undue delays in processing project applications increase a developer's costs. In Fairfax, many permits are processed concurrently at the discretion of the applicant and the Town. In addition, the Town "fast-tracks" affordable housing projects. For projects to be processed in a timely manner, several factors need to be addressed by the applicant: (1) provide complete applications and information on the project; (2) submit information or fees requested as soon as possible; (3) follow Town policies and standards in project design; and (4) minimize public controversy by meeting with neighborhood residents. Also, Town staff encourages pre-application conferences.

Single-family custom home applications generally take less time to review than multiple family proposals. When proposed single-family developments are not subject to special environmental constraints and are in conformity with existing zoning, it is possible to process the required building permits in about three weeks. Multiple family projects require environmental review, public hearings and design review. In practice, Environmental Impact Reports (EIRs) are required for most multiple family developments. Such studies add 4 to 8 months to a project's approval. If an EIR is not required, Town permit processing could be accomplished in several months.

Local Permit Fees

Permit fees can vary substantially from site to site depending on site conditions, location and the type and design of development. Given these considerations, minimum permit cost estimates are described for two types of residential development; a condominium project and a single-family unit.

Approximate Town Permit Costs (1990)

Permit	Single Family Home	Condominium
Planning Commission	\$415 *	\$250
Design Review	\$150 **	\$63
State Seismic Fee	\$10	\$6
Building Permit	\$872	\$485
Plan Check	\$668	\$315
Plan Retention	\$4	\$1
Electrical	\$52	\$27
Plumbing	\$52	\$27
Mechanical	\$52	\$27
Engineering	\$565	\$283
Minimum Town Fees	\$2,840	\$1,484
* Hill Area Residential Development Permit (HRD) and Variance		
** If in Ridgeline Scenic Corridor or Subject to HRD Permit		
Source: Fairfax Department of Planning, Building and Engineering Services. New fees adopted June, 1990.		

While information on fees can give a general indication of permit expenses, the "minimum" cost associated does not take into account that much of the remaining land in Fairfax is subject to environmental constraints, such as steep slopes and drainage problems. Careful soils engineering and design studies and associated permits are required depending on the site's characteristics. Minimum permit fees in Fairfax are comparable to fees charged by other cities in the county, with the example detached home fee averaging about \$2,800 and the example condominium fee averaging about \$1,500.

As shown below, Fairfax's fees are comparable to the fees charged by other jurisdictions in Marin County.

Marin County Fee Comparison

Jurisdiction	Variance	Use Permit	Zoning Amend	5-Lot Subdivision Tentative	Subdivision Final Map	Lot Line Adjustment	Initial Study	Appeals
Mill Valley	\$425	\$425	\$850	\$975	\$0	\$225	\$225	\$50
Ross	\$300	\$300	\$300	\$500	\$400	\$300	\$100	\$50
Marin County	\$945	\$1,200	\$3,065	\$3,370	\$1,000	\$1,200	\$500	\$200
San Rafael	\$350	\$350	\$625	\$1,550	\$750	\$175	\$225	\$75
Belvedere	\$150	\$150	\$250	\$500	\$0	\$150	\$140	\$75
Tiburon	\$200	\$500	\$750	\$1,000	\$500	\$250	\$50+	\$250
Larkspur	\$200	\$200	\$250	\$300	\$250	\$100	\$100	\$0
Sausalito	\$300	\$400	\$55/hr	\$700	\$100	\$200	\$300	\$100
Fairfax	\$350	\$350	\$600	\$850	\$100	\$350	\$200	\$75
*Fees are generalized to provide comparison (fees can vary depending on the size of the project, other approvals needed, other department review, etc.)								
Source: Fee Schedules of Jurisdictions, 1990								

OPPORTUNITIES FOR ENERGY CONSERVATION

Affordable energy is an essential component of affordable housing. Energy costs to the consumer have increased 100% over and above inflation since 1970, while crude oil prices have increased more than 500%. For new housing, state conservation standards, implemented as part of the Building Code, substantially reduce the cost of energy for homeowners. Minimizing energy used for space and water heating as well as air conditioning can significantly increase the affordability of housing. Water heating is second only to space heating in total energy usage. According to PG&E, energy use can range anywhere from \$75 to \$200 per month in homes heated by electricity.

Since much of Fairfax is already built out, there is also an opportunity for energy savings in existing housing. Most residential structures can be retrofitted with conservation measures that provide nearly the energy savings achieved in recent new construction. Many can also be retrofitted with passive design measures, e.g. the addition of a solarium or south-facing windows in conjunction with heat storage mass.

There are several local programs which have provided assistance to low and moderate income households in retrofitting their homes. These include the Community Action Marin-Energy "Home Weatherization" project and PG&E's Home Weatherization Audit. Community Action Marin-Energy, which merged with Marin Citizens for Energy Planning, weatherized 683 low income household units throughout the County in 1989, with approximately 50 units located in Fairfax. Similar numbers of units were weatherized in 1988. The weatherization program offers free attic insulation, weatherstripping and caulking, water heater blankets and low-flow shower heads for low income households. PG&E partially funds this program through a contract with Community Action Marin-Energy and also offers a program which analyzes how homes can be made more energy efficient.

The PG&E "walk-through audit" provides a comprehensive assessment of energy conservation needs and costs related to home appliances, structural design and insulation capabilities. The Energy Crisis Intervention Program, funded by the State Department of Economic Opportunity, is designed to help low income residents pay delinquent energy bills to avoid interruption of service.

III. HOUSING ISSUES AND NEEDS

FUTURE HOUSING DEMAND

Discussion: The major constraint to new growth is the ability of the transportation system in the county to accommodate the expected growth. County policy is to encourage job growth to balance the ratio of jobs to housing, which is intended to reduce out-of-county commuting. But this issue is much more complex; being not so much an issue of jobs/housing balance as it is the types of jobs being created compared to the types of housing available. About 50% of the jobs created over the next 20 years are expected to be relatively low paying retail and administrative support-type positions. In order to minimize in-county commuting from out-of-county residents, it will be important to provide "affordable" housing so that people can live near to where they work.

Between 1980 and the year 2005, the population in Marin County is projected to increase 8.6% from 222,568 to 258,350. More than 75% of this anticipated growth in population is expected to occur in the San Rafael and Novato planning areas. In fact, some of Marin County's older cities are expected to lose population between 1980 and 2000 because of limited new development capacity and declining household size. According to ABAG, about 75% of the job growth in the county between 1985 and 2005 is projected to occur in the San Rafael and Novato areas. During this period of time, ABAG projects that the county will add 24,177 new households, compared to an increase of 54,807 jobs. This difference is due primarily to the high cost of housing.

Future projections for the Fairfax Planning Area show that it will receive about 1% percent of the population growth and 3% percent of the new households countywide by the year 2005. Thus, the Planning Area is expected to grow by 298 persons and 690 households between 1980 and the year 2005. The extremely large increase in number of households is due to a continuing decline in the average household size.

The average household size in Fairfax has declined from 2.6 persons in 1970 to an estimated 2.2 persons per household in January, 1990. The trend toward smaller households is due to increasing longevity, more divorces, lower birth rate and more single-person households. One and two person households comprised two-thirds of all households in Fairfax in 1980, compared to slightly over one-half of the households in 1970. About two-thirds of the one and two-person households are low-and moderate-income. Thus, there will probably be an increasing need and demand for smaller affordable units in Fairfax, although affordable housing will be needed for both small and large households.

The trend toward smaller households is a Countywide phenomenon as well. This is due in part to the increasing housing prices in Marin County, which affect the ability of families with children to purchase or rent a home. Many families with children are choosing to live in Sonoma County compared to Marin County because of lower housing prices and greater choice. Fairfax has no agricultural zoning, no land used for intensive agricultural purposes and, therefore, there are no special housing needs of farmworkers that must be addressed.

Policy Considerations: Future growth projections for population and jobs show a continuing strong demand for housing. In addition, the trend toward smaller households is expected to continue over the next twenty years, although there will be a significant need for affordable family housing as well (2 and 3 bedroom units). Policy issues related to this future housing demand include:

- (1) A continuing need for smaller units.
- (2) The need for more units in Fairfax in the future just to house the same population the Town has now.
- (3) An oversupply of larger expensive housing units and undersupply of smaller housing units.
- (4) Special housing needs for one-person households, single parents (especially single mothers), the physically disabled and shared living or congregate housing.
- (5) The need for a variety of housing types and innovative housing solutions that can address the jobs/housing balance issue and minimize environmental and traffic impacts.
- (6) Encouraging affordable housing units (of all sizes and for all types of households) and monitoring housing programs and development to match the needs identified in the Housing Element or as determined over the next five years.
- (7) Continued Town participation in the Highway 101 Transportation Improvement and Growth Management Plan.

ABAG HOUSING NEED DETERMINATION

Discussion: The Association of Bay Area Governments (ABAG) has produced housing need figures for Fairfax to 1995 for various types of housing and income groups. These housing need determinations were required by State Law (AB 2853). The Town reviewed the need figures and found them generally consistent with the Town's 1985 Housing Element.

ABAG's determination of the local share of the regional housing need takes into consideration the following factors: market demand for housing; employment opportunities; availability of suitable sites and public facilities; commuting patterns; and the type and tenure of housing. ABAG calculated the 1985 existing need, defined as the short-fall between the actual vacancy rate in the Town and the optimal vacancy rate of 4.5 percent (which is a regional goal), and then determined a projected housing need to 1995 based on the number of units to accommodate projected household growth between 1985 and 1995 and the additional units needed to achieve the optimal vacancy rate.

Between January, 1988 and June, 1990, a total of 20 units have been built or approved in the Fairfax Planning Area. The number of units built or under construction in the Town over the last five years has averaged about 8 units per year. The total remaining need for new units in the planning area is 238 units (or 48 units per year).

ABAG Housing Needs Determination Fairfax 1988-1995

	Existing Need	1988-1990 Need	1990-1995 Need	Alternative Zoning Need	1988-1995 Projected Need
Town of Fairfax	15	48	210	0	258
Source: Association of Bay Area Governments Housing Needs Determinations (1989)					

Since 1988, 27 units have been created at prices affordable to very low income households. This represents 50% of the units needed at these price levels. An additional 120 units of very low, low, and moderate income units are needed between 1990 and 1995. The following table summarizes the number of housing units needed by income category over the five-year time frame of the Housing Element.

Fairfax Projected Housing Need by Income 1988-1995

Amount	Very Low Income	Low Income	Moderate Income	Above Moderate	Total Projected Need
Number	54	41	52	111	258
Percent	21%	16%	20%	43%	100%
Percent of Total Marin County Need	3%	3%	2%	2%	2%
Source: Association of Bay Area Governments Housing Needs Determinations (1989)					

Policy Considerations: The Town will be able to continue its excellent record of affordable housing goal achievements and to meet a substantial portion of its overall new construction needs if present trends continue and a solution is found to MMWD's water moratorium. However, every year additional need may be created by households who are forced or choose to leave existing affordable units. This "turnover" need could be significant over time, especially on a county wide scale. Additional policy considerations include:

- (1) Despite the successes achieved so far, the Town could seek and pursue additional funding for affordable housing, such as possible funds from CDBG, "in-lieu" housing fees, Marin Community Foundation, etc. to maximize the benefits of limited federal funds for new construction. In this respect, it may be appropriate for the Town to: (1) establish a "Housing Fund" earmarked exclusively to achieve Housing Element goals; and (2) include an annual evaluation of how well the Town's housing needs, as quantified in the Housing Element, are being met through new construction.
- (2) With limited new construction programs, rental subsidy programs applied to existing units, such as the Rebate for Marin Renters program, are ways to provide an opportunity for low and moderate income households to find needed housing in the marketplace.

HOUSING COSTS AND THE ABILITY TO PAY FOR HOUSING

Discussion: According to the Marin County Board of Realtors, the average sales price for a single-family home in Fairfax rose from \$114,915 in 1979 to \$137,878 in 1984. The Marin County Assessor's Office reports \$252,891 as the mean sales price of single-family homes in Fairfax during 1989, approximately an 83% increase over five years. Since single-family homes comprise about 72% of the housing stock in Fairfax, the increase in single-family home prices affects a large portion of the units available. Rents have also been increasing.

The table below shows the number of households (owners and renters) who paid more than 25% of their income on housing in 1980. The table shows that three-quarters of the Town's low income households paid more than 25% of their income on housing, with most of those being renters.

Households Overpaying for Housing (1990)

1980 Income	Renter		Owner		Total	
	Number Overpaying	Percent Overpaying	Number Overpaying	Percent Overpaying	Number Overpaying	Percent Overpaying
Low Income						
Less than \$5,000	216	100%	63	100%	279	100%
\$5,000-\$10,000	253	96%	79	59%	332	84%
\$10,000-\$16,500	237	75%	103	39%	340	58%
Subtotal	706	89%	245	53%	951	76%
Moderate Income						
\$16,500-\$20,000	70	47%	36	28%	105	38%
\$20,000-\$25,000	18	17%	58	24%	76	22%
Subtotal	88	35%	94	25%	182	29%
Total Overpaying	794	76%	339	40%	1,133	60%
Source: Derived by applying the distribution of low and moderate income households overpaying in 1980 (from 1980 U.S. Census) to the number of households in Fairfax as of January, 1990 (from the California Department of Finance).						

The table below shows affordability for home ownership at various income levels for two-person and four-person households. The assumptions used in the table are: (1) 10.5% 30-year mortgage; (2) 10% down payment; and (3) 25% of gross income for principal and interest. It is estimated by the Marin County Housing Authority that additional homeowner expenses, such as taxes and insurance, can require an additional 5% to 7% of gross income for low-and moderate-income families. This would bring the total housing costs up to 30% to 32% of income, which is comparable to the proportion of income lenders use for people to qualify for a loan. The Housing Authority uses 25% of income for principal and interest in Below Market Rate (BMR) inclusionary housing sales agreements to qualify enough people for the program.

Many current Fairfax residents could not afford to buy or rent a home in Fairfax at today's prices. Specific need groups requiring special attention include young families, single mothers, the physically disabled, the elderly on fixed income, public service employees and employees with lower paying jobs. Policy considerations related to housing affordability include the following:

- (1) With such high construction and land costs in Fairfax, higher densities and smaller units in appropriate locations have become increasingly important ways to reduce the costs and price of new housing.
- (2) Single-family detached housing is difficult to provide at an affordable level, except for mobile or modular homes.
- (3) Shared rentals provide a way to reduce housing costs, but if not handled carefully they can also inflate rental rates and impact traffic and parking.
- (4) When a home owned by a low-or moderate-income family is sold, it is usually sold at a price not affordable to either low or moderate income people. Thus, the unit is lost as "affordable" housing. Over time, through resales and displacement, the Town will lose some of its affordable housing stock.
- (5) Control over conversion of existing rental apartments to condominiums maintains the existing rental housing stock. A vacancy rate of 4.5% to 5.0% is considered to provide a "healthy" balance between supply and demand.
- (6) When the vacancy rate is low, housing also tends to become overcrowded. While this was not a significant problem in 1980, it should be monitored over the next 5 years. In 1980, 1.8% of the Town's households were considered overcrowded, or having more than one person per room.
- (7) The greatest new construction needs are: (a) sales units affordable to households earning 100% or less of median income; and (b) rental units affordable to lower income households (earning less than 80% of median income).

ELDERLY HOUSING

Discussion: Fairfax historically has had a slightly lower percentage of elderly than the county as a whole. The 1980 proportion of people over 65 years of age in Fairfax was 9%, compared to 10% countywide. The proportion of elderly residents is expected to continue to increase through the 1980's. Projections show that the county's elderly population is expected to increase from 31,140 in 1980 to 40,434 by 1990, and then to 46,578 by the year 2000. If Fairfax's proportion of the County's elderly remained the same over the next 15 years, there could be a proportional increase in elderly population in Fairfax as well. If this

occurs, it is anticipated that the proportion of elderly residents as a percentage of the population in Fairfax will increase from 9% in 1980 to 17% by the year 2000. Approximately 50% of the Town's elderly population live with a spouse or another relative; 44% live alone; and 6% live with other people (non-relatives). About 25% of the households with an elderly person are rentals and 75% are owner-occupied.

Policy Considerations: The increasing longevity of elderly people and the increasing number of elderly in the population in Marin County and Fairfax will create an increasing need for affordable housing and specialized housing for older residents. Policy considerations include the following:

- (1) The problem of the elderly being "trapped" in large houses due to property tax and house payment increases which would result from obtaining substitute smaller housing units.
- (2) As the population ages further, there is an even greater need for specialized housing for the elderly (especially low-and moderate-income elderly) such as congregate housing, life care services and group care facilities. Almost 4% of the Town's population in 1980 was over 75 years of age.
- (3) The elderly are often limited to fixed income.
- (4) Elderly households on fixed income have limited resources for home improvements to maintain or rehabilitate older housing.

HOUSEHOLDS HEADED BY WOMEN

Discussion: Since 1970, the number of households headed by women has increased substantially. In 1980, 32% of the Town's households were headed by women (1,062 of 3,271). Of those, 50% lived alone; 26% lived with other relatives or non-relatives; and 24% were single mothers with children under 18 years of age. Significantly, 28% of all households with children were headed by a single mother. In 1980, the median household income for single mothers with children under 6 was below \$10,000 and for those with children 6 to 17 it was about \$11,000. Both of these figures were far below the Town median household income in 1980 of \$20,212.

Policy Considerations: Women in the housing market, especially the elderly, low and moderate income and single parents, face significant difficulties finding housing. According to a 1983 report prepared by the Marin County Commission on the Status of Women, this has several implications:

- (1) Both owner and rental units are extremely expensive relative to the low incomes earned by most women.
- (2) Landlords discriminate against women with children.
- (3) Elderly women are often "trapped" in a house that is more than adequate for their needs and expensive to maintain.
- (4) Need for specialized services to assist women, such as elderly services or day care for working mothers with young children.

DISABLED PERSON HOUSING

Discussion: According to the Marin Center for Independent Living, a resource and referral service for handicapped people, there was a waiting list of about 60-80 people countywide in 1986 for housing for the physically disabled. In Fairfax, persons with a work disability totalled 387, or 5% of the Town's 7,391 population in 1980. Although about 59% of those were still in the work force. About 2% of the Town's residents (181) in 1980 were unable to use public transportation because of their disability. A majority of those (57%) were 65 years of age or older. Marin Center for Independent Living expects to study accessible housing availability in Marin County during 1990.

Policy Considerations:

- (1) Flat sites where curb cuts and building access can be provided are ideal locations for the physically handicapped.
- (2) As the proportion of elderly in the Town's population increases, handicapped accessible housing will become even more needed.
- (3) Based on available data, it is estimated that about 5% of the new units constructed in the Town should be available for the physically disabled.
- (4) Consideration should be routinely given to handicapped dwelling conversion (or adaptability) in new construction projects.

FAMILY HOUSING

Discussion: Family housing encompasses a wide range of housing need basically intended for non-elderly households. These include female-headed households (discussed previously), single persons, married couples, large families (with 5 or more persons), families with children and non-family households. It has historically been the position of the Town to maintain the economic and social diversity of Fairfax and to meet the housing needs of its

diverse population. Family housing, especially of low and moderate income families, is an especially critical need in Fairfax. Specific needs include young adults and single parents, who generally have lower earnings which can exclude them from the housing market.

Large families, with 5 or more persons, also have special housing needs. There were 173 families with 5 or more persons in Fairfax in 1980, which represents 5% of all households. A countywide analysis in 1983 by the U.S. Department of Housing and Urban Development (HUD) found that 31% of the large families who rent have an income that would qualify them for federal assistance. Most of the units with 3 or more bedrooms are single-family family homes, which are expensive to rent.

Policy Considerations: Family housing at below market rates is needed in Fairfax if the Town expects to meet the needs of its diverse population. As existing units are sold at higher and higher prices, the Town's "affordable" housing stock will be diminished over time. Specific policy considerations include the following:

- (1) There is a need for more rental housing for families, given the high demand and low supply. Condominium conversions which reduce the supply of rental housing should be strongly discouraged.
- (2) The existing Section 8 rent subsidy program and past subsidies from the Rebate for Marin Renters Program provide important subsidized units rental units. Continued funding for the Rebate program offers additional rental subsidy units and provides an excellent approach with the Section 8 program.
- (3) The Housing Authority's Multi-family Rental Housing Bond Program makes funds available for new construction of rental units, 20% of which must be rented to low-income households for 10 years. While this financing program has potential in Fairfax, ways to prevent or mitigate future tenant displacement after ten years should be considered when the City approves such projects.
- (4) Limited equity cooperatives provide an effective way to control the price of housing while providing an ownership option. Cooperatives can be structured to meet special needs, such as for single parents, etc.

HOUSING REHABILITATION

Discussion: A high proportion of the housing stock in Fairfax is in need of rehabilitation. The situation is most pronounced among older units in Town. Deterioration of the housing stock is a natural result of low resident income, high interest rates for rehabilitation loans, and the large percentage of aging units in the Town. According to a Town analysis of resale inspections in 1980, approximately 75% (1,804 units) of the single-family homes and multiple family housing in Fairfax are in need of at least minor to moderate rehabilitation. Of these, probably 5% to 10% (90 to 180 units) are dilapidated and should be replaced.

In an effort to ease restrictions on rehabilitation or remodelling of existing residences, the Town Council adopted an interim ordinance (Ordinance No. 592) allowing for additions not to exceed 50% of original floor area which avoids the necessity for application and public hearings for such remodels.

Policy Considerations:

- (1) The Town's resale inspection program is an effective way of identifying problem units and should be continued.
- (2) Privately financed rehabilitation and public rehabilitation subsidies presently available have not been successful in arresting the deterioration of the Town's housing. Increased public subsidies may be required to preserve many of Fairfax's older neighborhoods if the housing is to be retained for low and moderate income groups.
- (3) The issue of housing rehabilitation should be viewed within the larger context of preserving the Town's economic diversity. From this perspective, the objective of public rehabilitation assistance is to improve the housing conditions of the Town's present residents. Rehabilitation programs leading to large rent increases and the subsequent displacement of low and moderate income tenants may not be considered an appropriate means of preserving the housing stock.
- (4) Continued support and publicizing of available rehabilitation loan programs administered by the Housing Authority (Rental Rehabilitation Loan Program and Residential Rehabilitation Loan Program) are the best ways to encourage housing rehabilitation affordable to low and moderate income households. The Town could take a more aggressive approach to publicizing these programs so that Fairfax receives a greater share of the funds available.
- (5) Continued support for allocating a portion of the Upper Ross Valley Planning Area CDBG funds for the rehabilitation program helps make additional funds available.
- (6) The Town Council should consider adoption of a permanent ordinance incorporating the philosophy of Ordinance No. 592 to make it easier for smaller rehabilitation and remodelling projects to occur.

POTENTIAL TERMINATION OF HOUSING SUBSIDIES

According to a report prepared for the California Housing Partnership by the California Coalition for Rural Housing Project, over the next 20 years, close to 655 Federally subsidized housing units in Marin County will be subject to conversion to market rate rents through prepayment of federally subsidized mortgages and rent subsidies. Without this assistance, those units owned by profit-motivated individuals or partnerships could be lost

as part of the affordable housing stock. The U.S. Congress is currently debating strategies for dealing with this issue.

The only projects located in Fairfax potentially subject to termination of Federal mortgage and/or rent subsidies are the following:

Buckelew House: The 12 rental units for mentally handicapped adults was developed with HUD Section 202 subsidized mortgage funds and tenants receive Section 8 rent subsidies. The Section 202 mortgage loan will be paid off in 2027. Earliest termination date for the Section 8 subsidies is 2006. Buckelew House is owned and managed by non-profit housing providers so there is not an issue of profit motivation to sell the house when the subsidized mortgage terminates. However, future loss of rental subsidies could be problematic, particularly since the mortgage payments continue beyond the time of potential rental subsidy loss. Thus, it may be difficult for the non-profit owner to cover the difference in real costs and subsidized rents.

Bennett House: The 70-unit rental housing project for seniors and handicapped persons received HUD Section 202 mortgage subsidies and residents receive Section 8 rental assistance. Earliest termination of subsidies are : mortgage loan will be paid off in 40 years (2028) and rental subsidies by 2008. Bennett House is also owned and managed by non-profit organizations.

Implications: According to the California Housing Partnership, possible actions a city can take include: (1) involvement in the negotiations between the owner and HUD; (2) establishment of requirements for relocation assistance or rent control.

The Town's Inclusionary Policy provides resale controls to maintain those units at prices affordable to moderate income households.

IV. FAIRFAX'S HOUSING GOALS, OBJECTIVES, POLICIES AND PROGRAMS



The Housing Element's intent with respect to housing needs in Fairfax is expressed in two ways. The first is in the form of statements of goals and objectives sought by the community. **Goals** are the ideals we strive for - the desired state of things. **Objectives** are defined steps toward a goal, which measure progress and are expressed in

quantified terms or targets. The second, and more specific aspect of the Housing Element, are policy statements and implementation programs. These describe the way citizens and local government can achieve objectives, and move closer to the community's goals. **Policies** establish a recognized community position on a particular issue or subject. **Programs** are more detailed actions that the Town, or other specific entities, intend to implement to preserve and enhance the Town's housing supply.

All of the programs expected to be implemented will require some type of follow-up actions; either further study or ordinance adoption. The details, specific criteria and other factors concerning each program will then be evaluated at that time. The Town will be preparing an Annual Housing Report (see Implementing Action 1.2) which will evaluate Housing Element objectives and targets together with annual program achievements to ensure that Fairfax can meet its stated housing goals.

HOUSING GOALS

1. ENCOURAGE HOUSING TYPES AND PROGRAMS WHICH ENHANCE THE COMMUNITY'S LIVING ENVIRONMENT AND DIVERSITY OF POPULATION.
2. MEET THE HOUSING NEEDS OF ALL ECONOMIC SEGMENTS OF THE COMMUNITY, PARTICULARLY THE ELDERLY AND LOW AND MODERATE INCOME FAMILIES, CONSIDERING EXISTING PUBLIC FACILITY AND ENVIRONMENTAL CONSTRAINTS.

3. DEVELOP A DIVERSITY OF HOUSING TYPES FROM THE STANDPOINT OF COST AND TENURE (SALE AND RENTAL HOUSING).
4. PROVIDE MEANS ENABLING EXISTING RESIDENTS TO PRESERVE AND IMPROVE THEIR HOMES.
5. RETAIN AFFORDABLE RENTAL HOUSING FOR LOW AND MODERATE INCOME FAMILIES.
6. LIMIT DEVELOPMENT TO AREAS WHERE CONSTRUCTION WILL NOT INTERFERE WITH THE QUALITY OF THE NATURAL AND MAN-MADE ENVIRONMENT.
7. LIMIT RESIDENTIAL DEVELOPMENT IN AREAS WHERE HAZARDS TO LIFE AND PROPERTY EXIST.
8. PROMOTE EQUAL HOUSING OPPORTUNITY FOR ALL CITIZENS, INCLUDING FAMILIES WITH CHILDREN.

HOUSING OBJECTIVES

The Housing Element proposes programs to achieve the housing goals of the community, while at the same time intending to protect Fairfax's small-town character and appearance, its environmental qualities, its sense of community, its historic heritage and minimize other potential impacts, such as traffic. In this regard, the programs in the Housing Element must be implemented through specific follow-up actions, each of which will require public hearings and public decisions before they are implemented.

The following housing objectives establish targets for achieving the Town's housing goals for new construction and conserving or rehabilitating existing housing. They are intended to identify how the Town can meet the housing needs determined in the beginning sections of the Housing Element. The targets below are for the five-year period between January, 1990 and January, 1995. However, it should be noted that they are merely "yardsticks" to measure progress and are not intended to strictly dictate either minimums or maximums. The targets should be reviewed annually to assure that they reflect current conditions. Further, all of the objectives and programs must be viewed in light of existing constraints (such as traffic) and the availability of program funds.

1. Construction of 80 new housing units in the Town of all types and prices in addition to those already built or approved.
2. New units should meet the following special housing needs within the Town (estimates are based on the approximate proportion of the population of the Town that these need groups comprised in 1980):

- a. 5% of the units for physically disabled persons
 - b. 10% of the units for elderly
 - c. 5% of the units for low income families (units with 2 or more bedrooms)
3. The Town is also desirous of promoting a variety of housing types in new housing construction so that there is a balance between owner-renter housing and single-family and multiple-family housing.
 4. Rehabilitation of existing housing units is a critical part of the Town's overall approach to providing adequate housing. Over the next four years 25 low income units should be rehabilitated.
 5. Energy conservation improvements for 75 low income units should be made over the next four years to reduce monthly housing expenses.
 6. Rental assistance for 5 households per year under the local Rebate for Marin Renters program (with an additional 70 households provided assistance through state and federal programs).

The table below compares the Town's housing objectives at various income levels to ABAG housing need determinations for the 7-year period from 1988 - 1995. The Town's objectives take into consideration 1988 - 1990 construction activity and the targets established for each of the programs in the Housing Element (see the next section). These targets must be viewed in light of the availability of funding for low and moderate income housing programs.

Proportion of Fairfax's 1988-1995 Housing Need Expected to be Met Through Housing Element Programs

Very Low Income Units

ABAG 1988-1995 Very Low Income Housing Need	54
Units Built or Approved 1988-1990	27
Estimated New Units 1990-1995 from Housing Programs	20
• <i>Second Units</i>	20
Total Units During the 1988-1990 Time Period	47
Percent of 1988-1995 Need Anticipated to be Met by the City	87%

Low Income Units

ABAG 1988-1995 Low Income Housing Need	41
Units Built or Approved 1988-1990	0
Estimated New Units 1990-1995 from Housing Programs	54
• <i>Project Independence</i>	2
• <i>Other Programs, including Non-Profit Sponsored Projects</i>	54
• <i>Vest Pocket (proposed/under review)</i>	24
• <i>Christ Victor (proposed/under review)</i>	25
Total Units During the 1988-1990 Time Period	56
Percent of 1988-1995 Need Anticipated to be Met by the City	137%

Moderate Income Units

ABAG 1988-1995 Moderate Income Housing Need	52
Units Built or Approved 1988-1990	0
Estimated New Units 1990-1995 from Housing Programs	20
• <i>Other Programs</i>	5
• <i>Mixed Use</i>	5+
• <i>Inclusionary Requirement</i>	5
• <i>Second Units</i>	5
Total Units During the 1988-1990 Time Period	20
Percent of 1988-1995 Need Anticipated to be Met by the City	38%

Above Moderate Income Units

ABAG 1988-1995 Above Moderate Income Housing Need	111
Units Built or Approved 1988-1990	20
Estimated New Units 1990-1995 from Housing Programs	80
• <i>Other New Housing Construction</i>	80
Total Units During the 1988-1990 Time Period	100
Percent of 1988-1995 Need Anticipated to be Met by the City	90%

Total Units

ABAG 1988-1995 Total Housing Need	258
Units Built or Approved 1988-1990	47
Estimated New Units 1990-1995 from Housing Programs	174
Total Units During the 1988-1990 Time Period	221
Percent of 1988-1995 Need Anticipated to be Met by the City	86%

Importantly, Fairfax was the only Bay Area community to meet its housing affordability goals as determined by ABAG for the period 1985 to 1990. Fairfax will certainly be continuing to meet its housing responsibilities during the 1990-1995 period. Implementation of the Town's housing policies is expected to result in 238 units or 92% of the overall housing need. By 1995, programs to provide very low income units are expected to result in 47 units, or 87% of the projected need; low income units will total 51 units, or 124% of the projected need; 20 units of moderate income housing will be created, meeting 38% of the projected need; and 120 units of above moderate housing constructed will meet 108% of projected need.

HOUSING POLICIES AND PROGRAMS

New Construction of Housing

Policy 1: NEW HOUSING CONSTRUCTION. Encourage the construction of new housing units of all types and prices which help to achieve the Town's housing goals and objectives and are consistent with the General Plan and other Town policies.

Program Approach: Achievement through private and non-profit construction of new housing and the development of Town ordinances.

✓ **Implementing Action 1.1:** Continuing review and processing of development applications.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: 80 new units or legalized existing second units by 1995. **Assumptions:** Between 1970 and 1980 an average of 30 units were built per year in Fairfax. However, between 1985 and 1989, with the exception of the 70-unit Bennett Senior House, an average of 10.4 new units were built per year. Clearly, the annual rate of development is declining in Fairfax. About 16 units per year is the maximum the Town can expect over the next five years due to the limited availability of land. Traffic and other development constraints will be considered in each project proposal.

✓ **Implementing Action 1.2:** Annual review of housing construction activity, achievements and implementation of Housing Element programs, with recommendations concerning program targets and upcoming year work priorities. The evaluation should precede yearly decisions concerning budget and Community Development Block Grant funding.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: Annual evaluation of the Housing Element and housing program targets in January of each year, beginning January, 1992.

✓ **Implementing Action 1.3:** Consider inclusionary housing ordinance and other ordinance changes to establish density bonuses for affordable housing in planned development districts and multiple family residential zones.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: Consider ordinance changes by January, 1992.

✓ **Implementing Action 1.4:** Revision and adoption of a new Subdivision Ordinance and possible follow-up actions, as needed, to remove any inconsistencies and duplication in the development review process and to be consistent with State Law requirements.

Responsible Agency: Town of Fairfax (Town Attorney).

Target: Codification of regulations by July, 1992; possible follow-up amendments to regulations, if needed, by July, 1993.

✓ **Implementing Action 1.5:** Develop a Public Awareness campaign to inform residents and developers about Housing Element policies, development application procedures, and affordable housing opportunities with an emphasis on the Town's receptive attitude toward creative development plans.

Policy 2: HOUSING DESIGN. Encourage a range of architectural styles.

Program Approach: Emphasize (in preliminary negotiations with developers) the environmental advantages of maximizing usable open space through clustered development and encourage attached housing, in appropriate locations, that is as affordable as possible.

✓ **Implementing Action 2.1:** Implementation through staff, Planning Commission and the Town Council.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: On-going.

Policy 3: LOCATION AND DENSITY OF DEVELOPMENT. Higher density residential development should be concentrated in areas close to Sir Francis Drake Boulevard and/or Downtown commercial development.

Policy 4: SCHOOL AND UTILITY SITES. The Town recognizes existing school sites and utility facilities as important assets to the community. If sites are declared surplus by the school district or utilities, the Town will determine the best use of this valuable land resource.

Policy 5: AREAS WITH HAZARDS. Allowable densities in steeply sloping areas will be based upon the degree of slope as set forth in the Fairfax Zoning Ordinance and according to environmental factors which might threaten the health and safety of potential residents.

Policy 6: SCALE AND TYPE OF DEVELOPMENT. New development in existing residential areas must be of a scale and type complementary to existing development.

Policy 7: TRAFFIC IMPACTS. Related transportation and land use policies shall ensure that traffic mitigation is considered as part of all development approvals. This includes major commute arterials (Sir Francis Drake Blvd. and Center Blvd.) and residential streets. Traffic in residential neighborhoods should be kept at a minimum. Through-traffic should be channeled to arterials which do not bisect residential areas; the level of development on undeveloped lands which can only be served by roads passing through existing neighborhoods shall be limited to densities which will not adversely affect the existing neighborhoods.

Low and Moderate Income Housing

Policy 8: SECOND UNITS. Allow second units to be developed on existing single-family properties when they are not found to induce significant adverse traffic or environmental impacts.

Program Approach: The Town revised its second units ordinance in June, 1985. The ordinance establishes procedures for legalizing existing second units and permitting the development of new second units.

/ Implementing Action 8.1: Continue to implement the ordinance.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: 25 new or legalized existing second units by 1995.

Assumptions: Includes the legalization of existing second units and construction of new units. It is estimated that 80% (20 units) of these units would be affordable to low income households; 20% (5 units) affordable to moderate income households.

✓ **Implementing Action 8.2:** The Town will attempt to inventory both legal and illegal second units on a neighborhood by neighborhood basis as a way to more accurately reflect the existing affordable housing stock.

Responsible Agency: Planning Services Department.

Target: By the end of Fiscal Year 1992-93.

Policy 9: MIXED USE AREAS. Encourage residential units with commercial development in appropriate locations in the Downtown area.

Program Approach: Continue to implement this policy on a case-by-case basis. This would include separate units and "live/work-space" type of living situations.

✓ **Implementing Action 9.1:** Develop more specific actions for mixed use in the Downtown area. A specific evaluation of sites and areas for mixed uses and the identification of specific incentives (such as flexible parking requirements allowing for shared parking) for the development of mixed use, affordable residential units will be prepared by the Planning Services Department. The cooperation of non-profit housing groups will be sought in preparing this feasibility study. The intent will be to identify total housing potential and opportunities for affordable housing through a comprehensive look at mixed use development in concert with parking, land use, design, traffic and other concerns.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: Feasibility study completed by 1993. 5 or more mixed use housing units affordable to moderate income households by 1995.

Policy 10: INCLUSIONARY HOUSING. Developers in Fairfax will be required to provide a percentage of the units affordable to low and/or moderate income households in new housing developments of a certain size.

Program Approach: The Town will maintain a certain degree of flexibility in implementing Fairfax's inclusionary housing requirement based on how well the project helps achieve the Town's housing goals and objectives. The starting point for the Town's inclusionary requirement includes the following features:

- a. All developments of 10 or more units will be subject to inclusionary requirements.
- b. For the purposes of this policy, "low" income target households are defined as households earning up to 80% of median income and "moderate" income target households are defined as households earning 80 - 120% of median income, based on Marin County Housing Authority guidelines.

- c. Housing developments at densities of 6 units or less per acre must provide for the sale or rental of a minimum of 10% of all units at prices affordable to moderate income households.
- d. Housing developments at densities of more than 6 units per acre must provide for the sale or rental of a minimum of 15% of all units at prices affordable to moderate income households.
- e. Units sold or rented at prices affordable to low income households may be substituted for moderate income units at the rate of 1 low income unit for every 2 moderate income units required.
- f. A density bonus of 2 additional market rate units for every low income unit to be developed up to a maximum of 15% of the maximum permitted density may be provided if the additional units can be accommodated given environmental, public service and other constraints.
- g. If the Town finds that a site is inappropriate for inclusionary units, a developer may pay an "in-lieu" fee to the Town or develop the required units elsewhere in Fairfax.
- h. "In-lieu" fees are to equal the difference between the market value of the inclusionary units not developed and the maximum price a moderate income household could afford to pay. The following household and unit sizes will apply for establishing household ability to pay when inclusionary units are required:

Studio units	1 person
One-bedroom units	2 persons
Two-bedroom units	3 persons
Three-bedroom units	5 persons
- i. Town fees will be waived for inclusionary units and other agencies will be encouraged to do the same.
- j. The Town will also consider the donation of land on or off site as an alternative to providing the inclusionary units.
- k. A system of resale controls in coordination with the Marin County Housing Authority will be required to insure that the inclusionary units remain affordable to buyers in targeted income categories.

✓ **Implementing Action 10.1:** Adopt an Inclusionary Housing Ordinance as part of the Zoning Ordinance to implement the Town's inclusionary requirements and coordinate with the Marin County Housing Authority to enforce resale agreements which ensure that units remain affordable over time.

Responsible Agency: Town of Fairfax (Planning Services Department) and Marin County Housing Authority.

Target: Adopt an ordinance by January, 1992; 5 moderate income units by 1995.

Policy 11: GOVERNMENT PROGRAMS AND OTHER FUNDING SOURCES FOR THE CONSTRUCTION OF AFFORDABLE HOUSING. In a cooperative public and private effort, the Town will encourage developers (both for profit and non-profit) to utilize available government programs and funding from other sources to develop low and moderate income housing.

Program Approach: The Town will continue to work with the Marin County Housing Authority, Marin County Planning Department, other governmental agencies, the Marin Community Foundation, etc., to encourage the use of state and federal housing program funds and funds from other sources. The funding sources listed below are available for new construction countywide, but could be available for use in Fairfax.

- a. Section 202 loans to finance rental and cooperative housing projects for the elderly or physically handicapped.
- b. Community Development Block Grant (CDBG) funds, intended to benefit low income people.
- c. Construction bonds for financing new rental apartment units, with 20% of the units required to be for low income households for 10 years.
- d. Mortgage Revenue bonds for first time home buyers in new construction projects.
- e. Marin Community Foundation grants and low interest loans.

✓ **Implementing Action 11.1:** Continued Town coordination and cooperation with non-profit groups, developers and other agencies as needed.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: 54 low income units and 5 moderate income units by 1990.

Assumptions: Continued funding of programs and the availability of project sponsors in Fairfax. It is anticipated that about 200 units may be built countywide under these programs; a reasonable target would be 5% of those units located in Fairfax.

Policy 12: HOUSING FUND. Town will seek funds from public and private sources for the creation of a restricted housing fund to facilitate any of the Town's housing programs.

Program Approach: Possible uses of the fund include:

- a. Replacement of waived or reduced fees.
- b. Rehabilitation loans.
- c. Implementation actions and special studies.
- d. Land acquisition.
- e. Capital improvements for affordable housing projects.
- f. Rebate for Marin Renters Program and Rental Deposit Program.
- g. Cooperative ventures with non-profit housing development groups.

Possible sources of funds:

- a. HUD Section 202.
- b. Marin Community Foundation.
- c. "In-lieu" inclusionary housing fees.
- d. Sale or lease of surplus property.
- e. State housing and finance programs.

✓ **Implementing Action 12.1:** Establishment of housing fund and guidelines.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: January, 1993.

Policy 13: FAST-TRACK PROCESSING. The Town will facilitate processing and encourage development of affordable housing which meets special housing needs in the community as appropriate.

Policy 14: NEW AFFORDABLE RENTAL HOUSING. Encourage the development of low income rental housing in future multiple family developments.

✓ **Implementing Action 14.1:** The Town will encourage the development of a shared housing program by appropriate social agencies or non-profit organizations. The purpose of this program would be to match homeowners with prospective tenants or roommates to better utilize existing space. The Town will contact organizations and other jurisdictions to obtain information on available programs.

Responsible Agency: Planning Services Department.

Target: 1992.

Conserve Existing Housing

Policy 15: CONDOMINIUM CONVERSION. In order to retain its existing affordable rental housing, the Town will deter conversion of existing multiple family rental units to condominium unless there is a clear public benefit.

Program Approach: Implementation of the Town's existing condominium conversion Ordinance.

✓ **Implementing Action 15.1:** Continued implementation of the Ordinance.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: None.

Policy 16: RENT SUBSIDY PROGRAMS. The Town will encourage programs which make existing rental units affordable to low income households and the physically handicapped.

Program Approach: Continue to encourage and support existing rental subsidy programs administered by the Marin County Housing Authority.

✓ **Implementing Action 16.1:** Contact the Marin County Housing Authority to identify the appropriate level of support, through the Town's budget allocation, funding for the remaining time that the Rebate for Marin Renters (RMR) will be in effect, and for the Housing Authority's new Rental Deposit Guarantee program, in coordination with other Marin County cities and The Marin Community Foundation.

Responsible Agency: Town of Fairfax (Planning Services Department); Marin County Housing Authority; and The Marin Community Foundation.

Target: 5 -7 low income households by 1995.

✓ **Implementing Action 16.2:** Continuation of the Section 8 Rental Assistance Program for low income families.

Responsible Agency: Marin County Housing Authority.

Target: Maintain 70 low income households per year.

✓ Implementing Action 16.3: Continuation of Project Independence for the physically, mentally or developmentally disabled.

Responsible Agency: Marin County Housing Authority.

Target: 2 low income households per year.

Policy 17: ACQUISITION OF EXISTING RENTAL HOUSING BY NON-PROFIT HOUSING SPONSORS. The Town will encourage non-profit sponsors of housing to acquire and rehabilitate smaller rental properties as a means of preserving existing affordable housing.

Program Approach: The Town's Planning Services Department will provide non-profit sponsors with the support necessary for them to obtain funding commitments from government and non-government sources.

✓ Implementing Action 17.1: Contact various non-profit housing sponsors (such as EAH or Innovative Housing) to see if there is interest in pursuing this program.

Responsible Agency: Town of Fairfax (Planning Services Department); non-profit housing sponsors.

Target: Initiate by July, 1993.

Policy 18: HOUSING REHABILITATION. In a cooperative effort of the public and private sector, the Town will encourage the rehabilitation of older housing to preserve neighborhood character and to create safe, habitable dwelling units, and, where possible, without significantly increasing costs to present low and moderate income residents.

Program Approach: Promote rehabilitation loan programs administered by the Marin County Housing Authority through increased public awareness (i.e. making pamphlets and other material available at Town Hall, the library and other public locations) and continue the Town's resale inspection program.

✓ Implementing Action 18.1: Continuation of the Residential Rehabilitation Loan Program for low and moderate income homeowners.

Responsible Agency: Marin County Housing Authority.

Target: 10 low income units rehabilitated by 1995.

✓ **Implementing Action 18.2:** Continuation of the Rental Rehabilitation Loan Program for owners of rental units.

Assumptions: Based on discussions with MCHA staff, funds for rehabilitation of approximately 12-20 apartment units and 5 single-family homes could be expected by 1995.

Responsible Agency: Marin County Housing Authority.

Target: 17 - 25 low income units rehabilitated by 1995.

Assumptions: Continued funding of this program.

✓ **Implementing Action 18.3:** Publicizing rehabilitation loan programs by making available pamphlets and other materials available at selected public locations.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: Distribute materials annually, beginning July, 1991.

✓ **Implementing Action 18.4:** The Town will continue to inspect all residential units upon sale. The inspections concentrate on safety related matters to assure that the units are safe and conform to the Building Code.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: 600 resale inspections by 1995.

Assumptions: Assumes a rate of about 150 units per year, which is about the 1989 rate.

✓ **Implementing Action 18.5:** The Town will actively support CDBG applications by non-profit housing developers for low- and moderate-income housing projects located in Fairfax through its continued memberships on the CDBG Countywide Priority Setting Committee and the Upper Ross Valley Subcommittee. The Town will apply for CDBG funds to prepare the Downtown Housing Feasibility Study and to evaluate housing and neighborhood conditions in selected areas. Follow-up actions could include, for example, the establishment of a revolving fund, as part of the Town's Housing Fund (see Policy 12), for rehabilitation loans to home owners.

Responsible Agency: Town of Fairfax (Planning Services Department)

Target: Apply for Feasibility Study funding by 1992; Non-profit CDBG application support on an on-going basis.

Policy 19: ENERGY CONSERVATION. The Town will encourage energy conservation improvements in existing housing.

Program Approach: Encourage energy conservation programs administered by PG&E and Community Action Marin - Energy (CAM-E) by increasing citizen awareness. Publicize programs with other rehabilitation programs (see Policy 19).

✓ **Implementing Action 19.1:** Continuation of CAM-E Home Weatherization Program, which serves low income homeowners. Publicize programs annually, beginning July, 1991.

Responsible Agency: Town of Fairfax (Planning Services Department); Community Action Marin - Energy.

Target: 75 low income units provided energy conservation improvements.

Policy 20: WATER MORATORIUM. The Town will urge Marin Municipal Water District (MMWD) to expedite provision of adequate water supplies for existing and planned development and to explore other measures to provide interim solutions to expand the supply of water for affordable housing projects. In addition, the Town will actively support applications to MMWD by non-profit developers who have received building permits from the Town for water allocations under the Public Service Set-Aside.

Program Approach: Prepare Council resolution which embodies the concerns expressed in Policy 21 for transmittal to the MMWD Board of Directors. Include as a condition of project approval for non-profit sponsored housing developments that Town staff will send a letter to MMWD urging approval of the project water allocation request.

✓ **Implementing Action 20.1:** Planning Services Department staff prepare draft Council resolution.

Responsible Agency: Planning Services Department; Town Administrator.

Target: Council Resolution 1991; Water Allocation support letters as needed.

Policy 21: DISPLACEMENT OF RESIDENTIAL UNITS. The Town will discourage the displacement of existing residential uses to other uses or to higher priced housing unless there is a clear public benefit or equivalent housing can be provided.

Assuring Non-Discrimination

Policy 22: HOUSING DISCRIMINATION. The Town is committed to providing housing opportunities for all people and will take appropriate actions to prevent housing discrimination in the local housing market.

Program Approach: Coordinate with public and non-profit agencies such as Landlord Tenant Mediation Services, Marin Center for Independent Living, Marin County Housing Authority, etc., to implement this policy. The Town will concentrate on eliminating housing discrimination against families with children since this appears to be the major housing discrimination problem in Marin County.

✓ **Implementing Action 22.1:** Continue to work with public and non-profit agencies on a case-by-case basis as needed.

Responsible Agency: Town of Fairfax (Planning Services Department).

Target: On-going.

Policy 23: ON-SITE RECREATIONAL FACILITIES FOR CHILDREN. The development of on-site recreational facilities for children as a component of new multiple family residential projects will be encouraged where appropriate.

BAY AREA COUNCIL

Some Street
Francisco
ornia 94111
981-6600

November 4, 1988

COPY

DIRECTIVE COMMITTEE

MAN
GE M. KELLER
an of the Board & CEO
n Corporation

A. BOSSEN
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Bay Area Council,
founded in 1945,
sponsored
dedicated
and action on
issues. Its pro-
currently focuses
economic development,
growth and land
use, housing
attention and
out training

The Honorable Ken Lippi
Mayor
City of Fairfax
Town Hall
142 Bolinas Road
Fairfax, CA 94930

Dear Mayor Lippi and members of the City Council:

The Bay Area Council is quite concerned about the affordability and accessibility of housing for the region's growing workforce, on which the health of our economy depends. By 1990, if current trends continue, the Bay Area will not meet this decade's need for new housing as defined by the Association of Bay Area Governments (ABAG). Looking at the provision of new housing affordable to low- and very low-income households, we find that the Bay Area will meet only 16% of this need. We believe that this record requires all of us to renew and strengthen our commitment to housing.

As you may know, in 1983 ABAG quantified the Bay Area's housing needs for the 1980s. In accordance with state law, ABAG allocated a fair share of the region's housing needs--for all income levels--to each community in the nine counties.

Fairfax has met 78% of its overall need for housing and, to the best of our knowledge, fully 122% of its need for housing affordable to low- and very low-income households, the only city in the Bay Area to fully meet its assigned low income need, according to data supplied by ABAG, the California Department of Finance and your planning staff. This is a valuable contribution to the well-being of the residents of your community and the economic health of the Bay Area as a whole.

Next year, as you review your housing element to plan for the fair-share housing allocations for the 1990s, we hope that you will use this process to re-examine your policies and plans, and continue to encourage the development of housing. If we can be of any assistance in this process, please feel free to call our Director of Housing and Land Use, Thomas Cook, at (415) 981-6600.

In order to increase awareness of the need for housing, we are sharing our information with ABAG, the California Department of Housing and Community Development, and the local media.

Sincerely,


Angelo J. Siracusa
President

Figure 1

Potential Housing Sites

1. Kimberly Court (high): 19 units
2. Asia Palace Triangle: 2-3 units
3. Meadowlands (very low): 9 units
4. Serra Enterprises Parcel (very low): 2-3 units
5. Fairfax Hills (very low): 8 units
6. Wall Property (very low): 6-17 units
7. Cala Hill (very low): 1-4 units
8. Barker Parcel (very low): 3-16 units
9. Steinhagen Parcel (very low): 1 unit
10. Tiscornia Properties (very low): 1 unit
11. Fong Parcel: 4-6 units
12. Spurgeon-Blackwell Site (high): 8 units

Potential Density: High (7-15 units/acre); Medium (1-6 units/acre); Low (.25-1 unit/acre); and Very Low (.1-25 units/acre). The dwelling unit capacity shown for each site is an estimate based on current zoning and general site and infrastructure constraints. Development of any of these sites will require detailed analysis of any specific development proposal to arrive at an appropriate density based on environmental constraints, development impacts, site design, etc.



TOWN OF FAIRFAX

MEMORANDUM

To: Members of the Town Council and Planning Commission
From: Planning Services Director
Date: 10-30-90
Subject: Public Hearing- draft Housing Element Update

BACKGROUND

The California Government Code requires that the Town adopt a housing element pursuant to Article 10.6 (Sections 65580 and following). Further, the law requires revisions at five-year intervals and submittal of a draft document to the State Housing and Community Development (HCD) Department for review and comment. In order to meet the spirit of the law, a draft Housing Element Update was forwarded to HCD on June 29, 1990. Subsequently, a telephonic conference was arranged with HCD and verbal comments were received and clarification and explanation were made where appropriate.

HCD then forwarded written comments on August 7, 1990, which were reviewed by our consultants and staff and incorporated into the draft document which is before you tonight. The HCD letter and our responses are attached.

The document was widely distributed to public, private, and non-profit agencies and individuals. Notices were published and posted and comments were sought.

A Negative Declaration based on a finding of no significant environmental impact is proposed to satisfy the California Environmental Quality Act.

DISCUSSION

The 1990 Housing Element Update builds upon the success of the existing 1986 Housing Element. The direction taken was to meet the requirements of State law while keeping the 1986 document intact as much as possible. Consequently, most policies are retained but most data is updated. New sections are added in response to HCD's comments. In the main text of the Update, changes are identified by underlining. A copy of the 1986 document is included in the councilmembers' and commissioners' packets for ease of comparison.

The purpose of this public hearing is to review the draft Housing Element Update, receive input from all parties, and to direct consultants and staff to make any necessary revisions. As now scheduled, the Planning Commission would recommend adoption on November 15, 1990, and the Town Council would adopt the document in a public hearing on December 10, 1990.

The consultants are available for a brief presentation and to answer questions and comments.

RECOMMENDATION

1. Open public hearing and receive testimony and evidence.
2. Direct consultants and staff to make any necessary revisions.
3. Planning Commission adjourns to meeting of November 15, for additional public hearing, if necessary, and recommendation of and adoption of Housing Element Update.
4. Council adjourns this hearing to regular meeting of December 10, 1990, for additional input, if necessary, and final adoption of the document.


Phil Gorny
Planning Services Director

attachments

draft Housing Element Update (previously delivered)
HCD letter of August 7, 1990
response to HCD comments
1986 Housing Element (council and commission only)
proposed Negative Declaration and Initial Study

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Housing Policy Development

Division

600 Third Street, Room 430

P.O. Box 952053

Sacramento, CA 94252-2053

(916) 323-3176



August 7, 1990

Mr. Charles Cate
Town Administrator
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

RE: Review of Fairfax's Housing Element

Dear Mr. Cate:

Thank you for submitting Fairfax's draft housing element, received June 28, 1990. As you know, we are required to review draft housing elements and report our findings to the locality (Government Code Section 65585 (b)).

Fairfax's housing element is a well-written and comprehensive document that includes much useful information about the City. The City is to be commended for its success in meeting a major portion of its overall share of the regional housing need for the previous planning period and exceeding its low-income share.

In our opinion, however, there are several areas which require revisions to bring the element into compliance with State housing element law (Article 10.6 of the Government Code). Our review has been facilitated by a telephone conference call on July 26, 1990, with Phil Gorny, Planning Director; Lisa Newman, Newman Planning Associates; and Jeffery Baird, of Jeffery Baird and Associates. This letter and Appendix summarize the conclusions of that discussion.

We caution the City to monitor its efforts to address the needs of the homeless. In our opinion, the City should ensure that conditional use permits for emergency shelters are subject to limited discretionary approval with conditions that are standardized, objective, and no more restrictive than those of similar uses. The City should not require any standards for parking, landscaping, or design, for example, which would preclude the use of a site or facility for emergency or transitional housing.


Mr. Charles Cate
Page Two

Chapter 1451, Statutes of 1989, requires all housing elements to include, by January 1, 1992, additional needs analyses and programs to address the potential conversion of existing assisted housing developments to non-low-income housing uses during the next ten-year period (Government Code Section 65583(a)(8) and (c)(6)). The "Supplemental Housing Element Information" appendix attached to this letter contains information about this and other recent legislation that may affect your housing programs.

We hope our comments are helpful to the City. If you have any questions about our comments, please contact Mario Angel of our staff at (916) 445-3485.

In accordance with their requests pursuant to the Public Information Act, we are forwarding a copy of this letter to the individuals listed below.

Sincerely,


Nancy J. Javor, Chief
Housing Policy Development
Division

NJJ:MA:bt

Attachments

Mr. Charles Cate

Page Three

cc: Phil Gorny, Planning Director, City of Fairfax
Lisa Newman, Newman Associates
Jeffery Baird, Jeffery Baird and Associates
Mark Reisenfeld, Planning Director, Marin County
Marin County Housing Authority
Don Dickerson, Director, Planning & Building, Mill Valley
Ken Curtis, Planning Director, City of Sausalito
Jack Lohman, Director, Tiburon Community Development
John Kottage, Director, Planning and Public Works
Planning Director, City of Novato
Lynn Sedway, Lynn Sedway and Associates
Robert Pendoly, Planning Director, City of San Rafael
Michael Foley, City Manager, City of Belvedere
David Hale, Planning Director, City of Corte Madera
Town Engineer, Town of Ross
Elizabeth Moody, Ecumenical Association for Housing
Colette Brooks, Marin County Legal Aid Society -
Steve Solomon, City Planner, City of Larkspur
Bob Holmes, Marin County Board of Realtors, Inc.
Clark Blasdell, Novato Ecumenical Housing
Sue Hestor, Attorney at Law
Gary Hambly, Building Industry Association
Tom Cook, Bay Area Council
Revan A.F. Tranter, Association of Bay Area Governments
Kathleen Mikkelsen, Deputy Attorney General
Bob Cervantes, Governor's Office of Planning and Research
Richard Lyon, California Building Industry Association
Kerry Harrington Morrison, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Christine D. Reed, Orange County Building Industry Association
Rob Wiener, California Coalition for Rural Housing

APPENDIX

Town of Fairfax

The following changes would, in our opinion, bring Fairfax's housing element into compliance with Article 10.6 of the Government Code. Following each recommended change we cite the supporting section of the Government Code. Where particular program examples or data sources are listed, these are suggestions for your information only. We recognize that Fairfax may choose other means of complying with the law.

A. Review and Revision

Review the previous element to evaluate appropriateness, effectiveness and progress in implementation, and reflect the results of this review in the revised element (Section 65588 (a) and (b)).

- a. "Appropriateness of goals, objectives and policies" (Section 65588 (a) (1)): A description of how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of the prior element.

Although the element provides results of the earlier element's programs, and analyzes the differences between what was planned in the previous element and what was achieved, it does not describe how its goals, objectives, policies, and programs incorporate what has been learned from the results of the prior element.

B. Housing Needs, Resources, and Constraints

1. The element should clarify the amount and density of land currently available for residential development (Section 65583(a)(3)). The residential build-out figures in the element do not demonstrate that the City has adequate sites to facilitate and encourage the development of a variety of housing types for all income levels during the planning period. The element should clarify the information on pages 21-23, relative to the amount of land with services and facilities available, and should describe the sites which are considered to have potential for low- and moderate-income housing.
2. Expand the analysis of the City's land use controls, and the new hookup prohibition imposed by the Marin Municipal Water District (MMWD), as potential and actual governmental constraints to the maintenance, improvement, or

development of housing for all income levels (Section 65583 (a)(4)). The analysis should include a more detailed review of the City's potential use of reclamation water from the Las Gallinas Valley Sanitary District as mentioned on page 27 of the element. How soon would reclaimed water be used for irrigation, to free potable water for use by new housing? How soon could water from the Sonoma County Water Agency or Yuba County be available to the City? How many units could be served, and through what procedure would the 100 acre feet of water allocated for "public service" by MMWD be utilized to serve new housing for low-income households?

The element should provide additional information on the water moratorium constraint, its potential impact upon the development of housing, and how the City could mitigate the constraint. For example, the City could encourage special districts to provide new services to affordable housing projects once the 100 acre feet set aside is distributed. Other measures the City will consider to address these problems should be described. It does not appear the City can accommodate its share of the regional new construction need without the development of additional sources of water.

The City indicates on pages 21 and 29 that existing sites for residential development "...have severe environmental and access constraints that will limit their potential for development; ...unstable soil and slope conditions." The City also indicates on page 29 that "It may be possible in certain circumstances, however, to adequately address these problems and develop housing." Under what circumstances, and when, would these sites be available for housing?

In our opinion, zoning could be a constraint to housing development if the density is relatively low in an area that could support higher density residential development, and the City has not identified adequate opportunities for higher density development. In our opinion, the City should consider and evaluate zoning changes to accommodate the identified regional housing needs of the community. In light of the City's statements on environmental concerns, the element should evaluate whether the City's zoning ordinance and land use determinations have served as a constraint in the development of housing for all income groups (see comment C-2).

C. Housing Programs

1. In our opinion, the element should provide more detailed program descriptions and commitments to ensure that the City can meet housing element law requirements (Section 65583(c) (1-6)). Program descriptions on pages 51-60 should demonstrate a firm commitment to implement the program objectives and should specify a timeframe and agency or individual responsible for implementation. The element should clearly describe programs the City will actively apply for, investigate, or continue. Examples of program descriptions to be expanded, or which need to demonstrate a greater commitment to implement, include but are not limited to:
 - a. Program 8.1: The City has indicated that development of second units is a means by which the City intends to meet its need for low-income housing units. The City also indicated that a total of 6 second units were developed in the previous planning period. Does the City plan to provide additional incentives to encourage the development of these units? If not, how does the City anticipate accommodating a portion of its regional share of new construction need through second units?
 - b. Program 10.1: The City's intent to "Consider adopting an inclusionary ordinance..." does not, in our opinion, commit the City to undertake any specific actions.
 - c. Program 19.5: The City's intent to "...consider applying for CDBG funds..." does not, in our opinion, commit the City to undertake any specific actions. When will the City apply for funds, and when will the City implement the rehabilitation program?
2. Depending upon the results of the analysis described in Section B-1, the City may need a program to provide adequate sites through appropriate zoning and development standards, and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing (Section 65583 (c) (1)). In our opinion, when determining suitable sites, the City should consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. ~~when~~ Localities have used various methods to increase their residential development capacity, such as: minimum densities, mixed-use zoning, increased height

limitations, and redevelopment. These and other methods are discussed in our Questions and Answers paper which was sent under separate cover.

3. Depending upon the results of the analysis of the City's land use controls described in B-2, the City may need a program to remove or mitigate any land use controls identified as governmental constraints (Section 65583 (c)(3)).

Information regarding reducing development standards and site improvement requirements is available from the Joint Venture for Affordable Housing (JVAH) sponsored by HUD (contact Gary Haines at (415) 556-4457).

B:\FAIRFAX.2

Responses and Recommended Modifications to the Town of Fairfax Draft Housing Element Update Based on Comments from the California Department of Housing and Community Development's (HCD's) Letter Dated August 7, 1990.

(Note: new text to be added to the Draft Housing Element is underlined)

1. **COMMENT:** Review the previous element to evaluate appropriateness, effectiveness and progress in implementation, and reflect the results of this review in the revised element. Indicate how the new element incorporates what has been learned from the results of the prior element.

RESPONSE: On page 15, before the discussion of "General Development Trends", include a new section titled "Effectiveness of the 1986 Housing Element" which discusses how the goals, objectives, policies and programs of the updated Housing Element incorporate or reflect what was learned from analysis of the prior Housing Element.

"Effectiveness of the 1986 Housing Element"

Preparation of the 1990 Housing Element Update programs and policies involved an evaluation of the 1986 Housing Element program performance, construction trends, and future programs funding availability. This evaluation is summarized in the table below. In general, the Town achieved the greatest gains in provision of affordable housing through support of non-profit sponsored housing projects. Actions by the Town such as waiving permit fees, reducing development standards, and fast track application processing have been important to successful completion of these developments. It is estimated that 74 units (80%) of the 92 units built or rehabilitated between 1985-1987, have been affordable to low and moderate income households.

The Town will continue to implement its policies to support non-profit affordable housing development during 1990-1995. Of the 223 units anticipated to be developed in the Town between 1988-1995, 123 units (55%) are expected to be affordable to low and moderate income households to maintain the Town's commitment to affordable housing.

Another important opportunity for affordable housing identified in the 1986 Housing Element is mixed use development in Downtown Fairfax. Existing Town regulations are very supportive of this type of use: second floor residential uses are a permitted use in the Central Commercial Zoning District; and mixed use development capacity is not limited by the Town General Plan in terms of potential residential densities in the Downtown or by parking capacity which exists along the "Parkade", an improved railroad right-of-way in the Downtown. One example of the Town's willingness to permit second floor residential development occurred in 1990 when three units above the Fairfax Bakery were destroyed in a fire. Although one of the units was illegal, the Town has approved plans for three replacement units.

Even with the regulatory and political framework in place to permit downtown residential development, no new development has occurred since 1985. This may be due to such factors as a lack of adequate information regarding downtown residential development potential or a lack of market interest in this type of housing. To respond to these issues and improve the potential for short-term downtown residential development, the 1990 Housing Element includes the following changes: the 1986 Housing Element policy to encourage mixed use development has been expanded to include more specific language regarding preparation of a downtown housing feasibility study by 1992; and a new program to develop a public awareness campaign regarding Housing Element policies and affordable housing opportunities, such as downtown mixed use development.

The 1990 Housing Element's new Implementing Action 1.5 to develop a public awareness campaign and opportunities goes beyond identification of housing opportunity areas and development application procedures to publicize the Town's receptive attitude toward new ideas and willingness of Town staff to work closely with applicants throughout the development review process. This program should have an overall beneficial effect on the Town's ability to meet the 1988-1995 housing needs determination."

2. **COMMENT:** The Element should clarify the amount and density of land currently available for residential development.

RESPONSE: The text on page 21 under "Available Land" has been revised to respond to this request.

"One of the primary market factors affecting the supply of housing is land availability and cost. Although the Town is already at 98% of buildout, a number of large and small development sites remain which, in addition to other infill development opportunities such as downtown mixed use and second units, can be expected to meet the Town's housing needs during 1988-1995. While most of these available sites have severe environmental and access constraints that limit their potential for more intensive development, this section presents an inventory of vacant lands and describes the expected housing opportunities for each parcel. The individual parcels are also shown on Figure 1 at the end of the Housing Element in the same numbered order as below.

All sites in this inventory can be provided with necessary services and infrastructure, excepting water supply and access. A detailed discussion of Marin Municipal Water District water supply constraints and opportunities in Fairfax to provide short-term water supply is provided in the Facilities Constraints section below. Any access limitations and other constraints for each property are described below."

(Inventory of Sites will be presented at this point in the discussion)

"Summary

Based on the estimated development potential of vacant lands described in this inventory, there is potential for 393-414 single-family units and 96-98 multi-family units. In addition, plans for 49-54 multi-family units are presently under development. Thus, the total estimated development capacity for Fairfax is 538-566 units, more than twice the total housing need of 258 units identified by ABAG for the period 1988-1995.

Opportunities for low- and moderate-income housing will most likely occur at sites planned for multi-family use. The ABAG housing needs determination calls for a total of 147 units of very low, low and moderate income housing to be created during 1988-1995. Presently, 145-152 units of multi-family housing are planned or available for development in Fairfax. Programs and policies in the 1990 Housing Element project 123 units of low and moderate income housing will be provided by 1995. Of these, 49-54 units are presently under planning by local non-profit agencies for low-income single-parent households and seniors. Additional multi-family development potential will be evaluated in the downtown mixed use feasibility study described above."

The 1990 Housing Element program estimate of 223 units built during the period 1988-1995 can be broken into two components: low-moderate housing which is primarily a function of governmental regulation and program funding availability; and above-moderate housing which is based on private market development trends. The potential for achieving the low-moderate housing targets established by ABAG within the 1988-1995 timeframe are not constrained by land availability or lack of appropriate zoning, as noted above, but are limited in part by County and State affordable housing program funding levels. The above-moderate housing estimate of 80 units is based on recent trends as noted in the 1986 Housing Element Evaluation table. However, given the capacity for housing in the Town of Fairfax, it is possible that private housing development could intensify in the short-term and this estimate could be exceeded.

3A. COMMENT: Expand the analysis of the City's land use controls and the new hookup prohibition imposed by the Marin Municipal Water District as potential and actual governmental constraints to the provision of housing for all income levels.

RESPONSE: Insert the following text into the Water Service discussion as noted.

Fairfax is provided water by the Marin Municipal Water District (MMWD). "MMWD is an independent special district governed by an independently elected Board of Directors."...

...The District has established a 1992 time limit for these inactive services to come on line or forfeit their allocation. (New paragraph) "MMWD has implemented a number of water conservation measures to reduce future water demand. These measures include:

- (1) A tiered rate structure to discourage high water usage;
- (2) Requirements for low flow water fixtures in new homes;
- (3) Landscape standards which limit turf areas to minor percentages of institutional, industrial, commercial and multi-family residential projects, including condominiums; and
- (4) Requirements for automatic irrigation controls and low volume irrigation systems for all landscape areas."

...To date, a 28-unit project in another Marin city utilizing 8.25 AF has been granted a hook-up. "To qualify for a portion of the Water District's "Public Service" set-aside, a housing project must be:

- (1) Eligible for Community development Block Grant (CDBG) assistance.
- (2) Developed by a government or non-profit agency.
- (3) Comprised entirely of units which are:
 - a. In the case of rental project, for low and moderate residents whose incomes do not exceed 100% of the area median income; and,
 - b. In the case of homeownership projects, for low and moderate income residents; and,
 - c. Legally restricted to retain affordability for at least 30 years.
- (4) Reserving at least 50% of the units for persons or households defined as lower income.
- (5) One which has a commitment of public or Foundation funding."

...This Ordinance applies to new water service connections only and includes the stipulation that all facilities for future connection to MMWD pipelines be installed so that when the moratorium is lifted, the connection to the MMWD system will

occur. "In addition, the Housing Element includes a new policy for the Town to urge MMWD to expedite provision of adequate new water supplies for existing and planned development and to explore other measures to provide interim solutions to expand the supply of water to allow construction of affordable housing projects. Finally, as part of this same policy, the Town will actively support applications to MMWD by non-profit developers in Fairfax for water allocations under the Public Service set aside."

- 3B. **COMMENT:** Based upon statements made on pages 21 and 29 of the Draft Housing Element about severe environmental constraints to development in Fairfax, the Element should identify under what circumstances, and when, would these sites be available for housing.

RESPONSE: The responses in items 2 and 3A above resulted in reorganization and revisions to the sections of the Housing Element referred to in this comment ("Available Land" and "Facility Constraints"). As a result, the noted text has been deleted. This reorganization makes the discussion of housing development capacity clearer by indicating that the housing potential on identified vacant sites is based upon Town land use policies and known physical constraints to development. Although severe environmental constraints limit more intensive uses of these lands, these have generally been taken into account in establishment of General Plan land use densities. Thus, development of these sites is considered feasible. The response to comment #2 indicates that the Town has excess housing development capacity to meet its regional housing need during the period 1988-1995 and further, sufficient multi-family development capacity exists to meet the low and moderate income housing need. Under the 1990 Housing Element programs and policies, the Town expects to meet 84% of the low and moderate income housing need identified for 1988-1995.

- 3C. **COMMENT:** Zoning could be a constraint to housing development if densities are relatively low and the Town has not identified adequate opportunities for higher density development. The Town should consider and evaluate zoning changes to accommodate the identified regional housing needs of the community.

RESPONSE: The Town does not view zoning as a constraint to housing development based upon the analysis provided in Response 3B. Moreover, the Town's General Plan and Zoning Ordinance establish clear policies and standards to facilitate review of housing development proposals which meet important health and safety requirements.

4. **COMMENT:** Program descriptions on pages 51-60 should demonstrate a firm commitment to implement the program objectives. Programs 8.1, 10.1, and 19.5 need to be expanded or strengthened.

RESPONSE: Program 8.1 calls for 25 second units to be approved between 1988-1995. This represents 20% of the 123 low and moderate income units expected from implementation of 1990 Housing Element programs and policies. Although no changes to the Town's existing second unit ordinance are proposed, approvals of new second units and legalization of existing illegal units are expected to increase over the period 1985-1988. During this period, 6 second units were approved at an average rate of 2 units per year. As noted in the table under the discussion of "Effectiveness of the 1985 Element", a moratorium on second unit applications imposed during 1985/86 limited overall applications. The 1988-1995 target of 25 second units assumes an average approval rate of 3.5 units per year.

Program 10.1 reads "Adopt an Inclusionary Housing Ordinance as part of the Zoning Ordinance..." The commitment to implement this program is clearly expressed here. However, under the program target, the wording "Consider adopting an ordinance by January, 1992" will be changed to read "Adopt an Ordinance by January, 1992."

Program 19.5 will be augmented to include the following text: "The Town will actively support CDBG applications by non-profit housing developers for low- and moderate-income housing projects located in Fairfax through its continued memberships on the CDBG Countywide Priority Setting Committee and the Upper Ross Valley Subcommittee." This is the most appropriate way for the Town to encourage such funding for affordable housing projects. The Town renewed its 3-year participation in the Urban County/City cooperative Agreement for County CDBG entitlement funds in July, 1990. With regard to assessing the feasibility of Downtown housing development and housing conditions in general, the language will be strengthened to read as follows: "The Town will apply for CDBG funds to prepare the Downtown Housing Feasibility Study and to evaluate housing and neighborhood conditions in selected areas..." Target: "Apply for Feasibility Study funding by 1992; Non-profit CDBG application support on an on-going basis."

5. **COMMENT:** Depending upon the results of the analysis/response provided to comment #2, the Town may need a program to provide adequate sites through appropriate zoning and development standards.

RESPONSE: See response to comment #2.

6. **COMMENT:** Depending upon the results of the analysis/response provided to comment #3, the Town may need a program to remove or mitigate any land use controls identified as governmental constraints.

RESPONSE: See response to comment #3.

SUPPLEMENTAL HOUSING ELEMENT INFORMATION

The following information represents recent legislative changes in housing element or State planning law. This information is provided for your general information and to assist you in updating your housing element.

1. Chapter 1451, Statutes of 1989, require all housing elements to include, by January 1, 1992, additional needs analyses and programs to address the potential conversion of existing assisted housing developments to non-low-income housing uses during the next ten-year period (Government Code Section 65583(a)(8) and (c)(6)). Assisted housing developments are defined to include any multifamily rental housing assisted under any of the following programs:

1. Federal: Section 8, 213, 221(d)(3), 236, 202, and 101; CDBG and FmHA Section 515.
2. State: Multifamily revenue bonds
3. Local: Multifamily revenue bond, redevelopment, in-lieu, inclusionary, and density bonus program units with affordability controls.

HCD is developing a technical assistance document to assist localities in meeting the new requirement.

2. Chapter 1140, Statutes of 1989, amends housing element law (Section 65583(c)) to require the housing program of an element to include, by January 1, 1990, a description of the use of moneys in a redevelopment agency's Low and Moderate Income Housing Fund if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).
3. Recently enacted State general obligation bond programs established by Proposition 77 (California Earthquake Safety and Housing Rehabilitation Bond Act of 1988) and Proposition 84 (Housing and Homeless Bond Act of 1988) are currently available to assist localities with funding to implement low- and very low-income housing programs. These funds may be used for the following activities:
 - acquisition and rehabilitation of rental housing and residential hotels,
 - rehabilitation of owner-occupied housing,
 - seismic rehabilitation of multifamily rental housing,



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

MAYOR
Carol Sherman

COUNCIL
Susan Brandborg
David Clark
Frank Egger
Doug Wilson

TOWN ADMINISTRATOR
Charles R. Care

PROPOSED NEGATIVE DECLARATION


PROPOSED PROJECT: Draft Housing Element Update 1990, including housing data, policies, and programs in accordance with Sections 65580 and following of the California Government Code.

FINDING: The project will not have a significant effect on the environment.

REASONS SUPPORTING FINDING: The draft Housing Element Update 1990 is consistent with and will become an amendment to the Fairfax General Plan. The document presents information, objectives, and activities in accordance with State law. All subsequent development projects will undergo environmental scrutiny when they are proposed. Each project will be evaluated on its own merits on a site-specific basis. No direct environmental impacts are anticipated from adoption of the Housing Element. A copy of the initial study is available at Fairfax Town Hall, 142 Bolinas Road, Fairfax, 94930.

DATE: October 11, 1990

SIGNATURE: _____


Phil Gorny, Planning Services Director

Initial Study

ENVIRONMENTAL CHECKLIST FORM

I. Background

1. Name of Proponent Town of Fairfax, Marin County, California
2. Address and Phone Number of Proponent 142 Bolinas Road
Fairfax, CA. 94930
(415) 453-1584
3. Date of Checklist Submitted October 11, 1990
4. Agency Requiring Checklist Town of Fairfax
5. Name of Proposal, if applicable Draft Housing Element Update, 1990

II. Environmental Impacts

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	___	___	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	___	___	<u>X</u>
c. Change in topography or ground surface relief features?	___	___	<u>X</u>
d. The destruction, covering or modification of any unique geologic or physical features?	___	___	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	___	___	<u>X</u>
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	___	___	<u>X</u>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	___	___	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	_____	_____	<u>X</u>
b. The creation of objectionable odors?	_____	_____	<u>X</u>
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	_____	_____	<u>X</u>
3. Water. Will the proposal result in:			
a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?	_____	_____	<u>X</u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	_____	_____	<u>X</u>
c. Alterations to the course or low of flood waters?	_____	_____	<u>X</u>
d. Change in the amount of surface water in any water body?	_____	_____	<u>X</u>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	_____	_____	<u>X</u>
f. Alteration of the direction or rate of flow of ground waters?	_____	_____	<u>X</u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	<u>X</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	<u>X</u>
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	_____	_____	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Reduction of the numbers of any unique, rare or endangered species of plants?	_____	_____	<u>X</u>
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	_____	_____	<u>X</u>
d. Reduction in acreage of any agricultural crop?	_____	_____	<u>X</u>
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	_____	_____	<u>X</u>
b. Reduction of the numbers of any unique, rare or endangered species of animals?	_____	_____	<u>X</u>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	_____	_____	<u>X</u>
d. Deterioration to existing fish or wildlife habitat?	_____	_____	<u>X</u>
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?	_____	_____	<u>X</u>
b. Exposure of people to severe noise levels?	_____	_____	<u>X</u>
7. Light and Glare. Will the proposal produce new light or glare?	_____	_____	<u>X</u>
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?	_____	_____	<u>X</u>
9. Natural Resources. Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	_____	_____	<u>X</u>
10. Risk of Upset. Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	_____	_____	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Possible interference with an emergency response plan or an emergency evacuation plan?	_____	_____	<u>X</u>
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	_____	_____	<u>X</u>
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	_____	_____	<u>X</u>
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	_____	_____	<u>X</u>
b. Effects on existing parking facilities, or demand for new parking?	_____	_____	<u>X</u>
c. Substantial impact upon existing transportation systems?	_____	_____	<u>X</u>
d. Alterations to present patterns of circulation or movement of people and/or goods?	_____	_____	<u>X</u>
e. Alterations to waterborne, rail or air traffic?	_____	_____	<u>X</u>
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	<u>X</u>
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	_____	_____	<u>X</u>
b. Police protection?	_____	_____	<u>X</u>
c. Schools?	_____	_____	<u>X</u>
d. Parks or other recreational facilities?	_____	_____	<u>X</u>
e. Maintenance of public facilities, including roads?	_____	_____	<u>X</u>
f. Other governmental services?	_____	_____	<u>X</u>
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	_____	_____	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy?	—	—	<u>X</u>
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:	—	—	<u>X</u>
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	<u>X</u>
b. Exposure of people to potential health hazards?	—	—	<u>X</u>
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	—	<u>X</u>
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	—	<u>X</u>
20. Cultural Resources.			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	—	—	<u>X</u>
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	—	—	<u>X</u>
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	—	—	<u>X</u>
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	—	—	<u>X</u>
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate			

Yes Maybe No

important examples of the major periods of California history or prehistory?

_____ _____ X

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term; environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

_____ _____ X

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

_____ _____ X

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

_____ _____ X

I. Discussion of Environmental Evaluation
(Narrative description of environmental impacts.)

All individual site specific projects are scrutinized for environmental impacts and mitigation measures are required as necessary.

IV. Determination
(To be completed by the Lead Agency.)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.

☐

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐

October 11, 1990

Date

Signature Phil Gorny

For Town of Fairfax

GOALS AND POLICIES OF THE FAIRFAX GENERAL PLAN

2.0.0 SCENIC HIGHWAYS ELEMENT

Goal 2.1.0

It is the goal of the Scenic Highways Element of the Fairfax General Plan to develop, establish and maintain scenic highways within the community that provide both physical and visual access to the Town: its community center, open spaces and other areas of high visual value.

Policies

2.1.1 That Center Blvd., Broadway, Bolinas Rd. and Sir Francis Drake Blvd. be declared scenic highways and that they represent a visual value in the planning area and should be preserved as unified open space and urban features.

2.1.2 That Center Blvd., Broadway, Bolinas Rd. and Sir Francis Drake Blvd. remain two-lane roads in keeping with the scale of the Town.

2.1.3 That the Town request the State to concur with the scenic highway designation.

2.1.4 The Town will develop a design plan which establishes criteria for controlling development on lands adjacent to scenic highways.*

2.1.5 The Town will seek sources of funding to implement the Scenic Highways Element.

2.1.6 The Town will develop and adopt a community bike path system and will coordinate its routes with the Cross Marin Trail which traverses the Fairfax planning area.*

3.0.0 NOISE ELEMENT

Goal 3.1.0

It is the goal of the Town of Fairfax to control noise levels in all areas of the Town through effective planning and land use regulations.

Policies

3.1.1 The Town shall delineate the sources of major noise problems (e.g., dogs) in Fairfax.*

3.1.2 The Town shall enact zoning, building and subdivision ordinances which employ effective techniques of noise control.*

3.1.3 The Town will eliminate or reduce effectively all unnecessary, excessive and offensive noises from all sources that are subject to municipal control.

3.1.4 The Town shall support all efforts by persons, groups or organizations engaged in developing and implementing noise control procedures. This includes State and Federal noise regulation efforts.

4.0.0 CONSERVATION ELEMENT

Goal 4.1.0

It is the goal of the Conservation Element to preserve those natural and man-made resources identified in this element which contribute to the community's character or are directly related to environmental safety.

Policies

4.1.1 It is the policy of the Town of Fairfax to preserve the community's natural setting, wildlife and it's habitat.

4.1.2 Undeveloped ridges as identified on the Visual Resources Map and lands directly adjacent thereto shall be preserved in their natural state.

4.1.3 All new developments shall be required to preserve some of the natural landscape.

4.1.4 Areas of high diverse wildlife habitat shall be preserved through reduction in intensity and density of allowable development.

4.1.5 Areas of redwood associated vegetation are unique natural and visual resource and shall be conserved.

4.1.6 Areas of significant visual value as identified on the Visual Resources Map should be preserved.

4.1.7 Stream courses and their adjacent environs shall be preserved to enhance water quality and maintain an area of high wildlife and aquatic diversity.

4.1.8 Gateways as identified on the Visual Resources Map shall be protected from obstrusive development.

4.1.9 The Visual Resources Map of the Conservation Element will be used to identify these natural resources which contribute directly to the Town's character.

Goal 4.2.0

The water quality of the streams in the planning area shall be protected and enhanced.

Policies

4.2.1 Businesses which have the potential to pollute streams shall be identified and methods taken to control pollution.*

4.2.2 The City should implement a program designed to put all residential development in the Town within a sewer system to avoid water pollution through septic tank failure.*

Goal 4.3.0

The public utilities should be consolidated on sites and should not disturb lands of significant natural value.

Policies

4.3.1 Undergrounding of utilities shall be required in all new developments.

Goal 4.4.0

Identified historic structures shall be conserved.

Policies

4.4.1 Special provisions will be made to allow historic structures to be utilized for occupancy by residents or businesses.

4.4.2 The Town should identify those structures of historic or cultural value and take all necessary steps to conserve them.*

4.4.3 The significance of Fairfax' central business district is recognized and measures should be taken to preserve the character and enhance the area.

Goal 4.5.0

Energy and water conservation should be promoted through appropriate building, land use & transportation policies.

Policies

4.5.1 Active support is given to the recommendations and regulations of the Bay Area Pollution Control District.

4.5.2 Land use and circulation plans should be designed to conserve energy.

4.5.3 All new construction should provide for energy conservation.

Goal 4.6.0

Archaeological resources shall be protected and conserved.

Policy

4.6.1 All new construction sites, public and private, shall be archaeologically investigated.

5.0.0 ENVIRONMENTAL SAFETY ELEMENT

Goal 5.1.0

The basic goal of the Town of Fairfax in adopting the Environmental Safety Element is to prevent loss of life, to reduce injuries and property damage and to minimize economic and social dislocations which may result from earthquakes, other geologic hazards, fires and floods.

Policies

5.1.1 To define the relative degree of risk in various parts of the planning area so that this information may be used as a guide for risk avoidance for new construction and for risk abatement of existing development.*

5.1.2 To minimize the risk to human life from structures located in hazardous areas.

5.1.3 To plan for appropriate uses of land in high risk areas.*

5.1.4 To insure that facilities, including secondary access roads, whose continuing functioning is essential to the Town and facilities needed in the event of emergency are so located and designed that they will continue to function in the event of fire or natural disaster.

5.1.5 To facilitate post-disaster relief and recovery operations.*

5.1.6 To increase public awareness of geologic, flood and fire hazards and of means available to avoid or mitigate the effects of these hazards.*

(The policies and programs recommended herein are designed to deal directly with the environmental hazards identified in the Fairfax planning area. Although the maps presented as part of this element are not site specific they can, when used in conjunction with the tables in this report, be used to delineate areas of low, moderate and high risk).

5.1.7 The Town of Fairfax acknowledges the high degree of exposure it has to seismic and geologic hazards identified in this element, and it is the policy of the Town to minimize the risks, present and future, to life, limb and property in the event of a seismic or geologic occurrence.

5.1.8 The Town shall establish risk zones (low), (moderate) and (high) using the criteria and standards presented in this element and shall delineate the boundaries of the zones on a Risk Map of the planning area.*

5.1.9 Future sites of public buildings, critical use buildings and involuntary use facilities should not be located in areas of high risk.

5.1.10 Structures with a high occupancy load should not be located in high risk areas.

5.1.11 Residential densities and the intensity of commercial development shall be compatible with the risk associated with the site and zoned accordingly.*

5.1.12 In those instances in which roads or utility lines must cross landslide areas, for reasons of convenience or necessity, special design and construction techniques shall be employed to assure a high degree of usability and permanence.

Goal 5.2.0

It is the goal of the Town of Fairfax to reduce the level of risk in high and moderate risk areas.

Policies

5.2.1 Detailed geologic, soils and engineering reports should be required in areas of high and moderate risk.

5.2.2 All proposed developments shall be reviewed against the Slope Stability and Landslide Abundance Maps, copies of which are on file at the Town Hall. Soils and geologic reports shall be responsive to the information indicated on these maps.

5.2.3 Existing large acreages shall not be subdivided into small single family lots in high risk areas unless and until adequate mitigating measures are assured.

5.2.4 Low density zoning and/or the concept of clustering may be utilized in high and moderate risk areas.

Goal 5.3.0

It is the policy of the Town of Fairfax to maintain those geologic characteristics contributing to the low and lowest risk levels of an area.

Policies

5.3.1 There should be minimal disruption by a project to factors such as consolidated ground material, vegetative cover and deep ground water table.

5.3.2 Natural slopes should be maintained and existing vegetation preserved especially in hillside areas. When change in natural grade or removal of existing vegetation is required, remedial measures are to be employed to restore or provide appropriate vegetative cover and to control storm water runoff. In specific application these policies will be tempered by the needs for fire safety.

Goal 5.4.0

It is the goal of the Town of Fairfax to establish a procedure for updating the geologic and slope stability maps of the Town.*

Policies

5.4.1 Future geologically caused utility damage and incidents of landslide shall be recorded and mapped.*

5.4.2 In those instances where detailed geologic and hydrologic data has been provided for a given site within the Town the appropriate maps should be updated to reflect the information.*

5.4.3 Personnel responsible for the continuous updating of the data should be assigned.

5.4.4 Such data should be kept in as central a location as possible where there is ready access to the information.

Goal 5.5.0

It is the goal of the Town of Fairfax to reduce existing structural hazards and to provide standards to prevent future structural hazards.

Policies

5.5.1 A structural inventory of critical, involuntary and high occupancy structures in high and moderate risk areas should be taken.*

5.5.2 Priorities for inventory, evaluation and abatement of structural hazards should be established.*

5.5.3 The Town should investigate the availability of State or Federal sources which would fund a hazard abatement program.

5.5.4 Standards provided by the current Uniform Building Code should be adhered to; other standards may be developed on recommendation of the Town Staff for areas of high environmental risk.

5.5.5 Existing public and private buildings of historical value should be preserved under standards or regulations adopted.

Goal 5.6.0

Critical facilities in the Fairfax planning area should be designed and constructed to withstand the "maximum probable" earthquake and remain in service.

Policies

5.6.1 The structural integrity of all existing critical facilities in the Town should be reviewed and those critical facilities which are found unable to meet Goal 5.6.0 above should be strengthened or dedesignated as critical facilities.*

Goal 5.7.0

It is the goal of the Town of Fairfax to reduce high levels of risk in fire prone areas.

Policies

5.7.1 High density development should be discouraged in high fire prone areas.

5.7.2 Measures such as adequate access, water facilities, vegetation, clearance around structures, building spacing, construction materials, refuse removal, etc. shall be considered in any development proposal.

Goal 5.8.0

It is the goal of the Town of Fairfax to make citizens aware of information regarding fire safety.

Policies

5.8.1 Fire hazard condition warning systems, evacuation plans and procedures for high fire prone areas of the Town should be specified.*

5.8.2 Encourage citizens, especially those in fire prone areas of the Town, to attend fire prevention and fire control programs.

#Goal 5.9.0

It is the goal of the Town of Fairfax to minimize flooding in areas prone to inundation.

Policies

5.9.1 Changes in topography and the placement of structures in the planning area's drainage basins should be designed so as not to increase the potential of flooding in other areas of the Town.

5.9.2 Vegetation removal, soil compaction, and the creation of impervious surfaces should be minimized throughout the planning area.

5.9.3 It is the policy of the Town of Fairfax to inform the citizens on potential flood prone areas.*

5.9.4 Prepare evacuation plans for flood prone areas and distribute information to affected residents.*

#TENTATIVE - Pending Examination of Flood Plain Maps

Goal 6.1.0

The Town of Fairfax will encourage housing types and programs which will enhance the community's living environment and diversity of population.

Policies

6.1.1. Discourage rapid or disruptive population growth.

- a. Residential densities should be compatible with the environmental safety, conservation, open space and circulation elements of the general plan.
- b. Residential growth rates shall be established, taking into consideration the availability of safely developable land and community services, as identified as being in the Fairfax planning area.*
- c. That the Town of Fairfax and the County of Marin shall prepare and maintain an inventory of developable land within the Town's sphere of influence.

6.1.2. Encourage new housing which will provide for the needs of single adults and three-plus person households.

- a. All new large residential developments shall include a mix of studio, one-bedroom and three-bedroom units.
- b. The Town shall establish a second-unit ordinance.*
- c. That a survey be made of existing second units in the Town of Fairfax.

6.1.3. Encourage new housing which provides units that meet the needs of the Town's diverse social and economic groups.

- a. Moderate income housing shall be encouraged in the Town's medium and high residential zoning districts. Such housing will be encouraged by increasing the density not to exceed the maximum allowable.
- b. Density bonuses will be given only to those developments which provide low or moderate income housing (Reference 6.3.1.a).

- c. Encourage, support and promote housing programs on Federal and State levels which will help achieve social and economic diversity in Marin County and Fairfax.
- d. Encourage residential uses on second stories of properties in the Central Commercial zone in the downtown area.
- e. Encourage housing which provides for a mixture of income groups in all areas of the community.
- f. A moderate income housing ordinance will be developed to provide a local housing program to meet the needs of the Town's moderate income families.*

Goal 6.2.0.

The Town of Fairfax will develop standards and plans for the improvement of the existing housing stock to meet the needs of all age and economic segments of the Town's population.*

Policies

6.2.1. Improve the condition of the Town's existing substandard housing stock.*

- a. Institute a community rehabilitation program through the provision of low interest loans.*

6.2.2. Seek to prevent the loss of moderate and/or low cost rental units through conversion to condominium units.

6.2.3. Recognize the benefits that are accrued from existing second units for low and moderate income housing.

Goal 6.3.0.

The Town of Fairfax will provide, through zoning, sites for future housing which are designed to meet the needs of all age and economic segments of the Town's population.

Policies

6.3.1. Residential densities in Fairfax will be directly related to all elements of the general plan.

- a. Residential density classifications will be as follows:

Very low	-	0.1	-	1 dwelling unit (du)/acre
Low	-	1	-	4 du/acre
Medium	-	1	-	6 du/acre
High	-	1	-	12 du/acre

- b. High density residential development will be allowed where sites are of low environmental risk and adequate transportation and commercial services are available.

(1) High density developments are best placed only near major arterials.

(2) High density developments should be served by public transit.

- c. Low density residential development will be allowed in the Town's hillside areas with appropriate slope development regulation.
- d. In areas designated as high risk or delineated as open space, only very low density developments will be allowed.

6.3.2. Establish a policy which prohibits discrimination against families with children in rental housing in the Town of Fairfax.

6.3.3. Provide a referral service in conjunction with the Marin County Housing Authority to assist Fairfax area residents in obtaining low and moderate income housing.

7.0.0 PARK AND RECREATION ELEMENT

Goal 7.1.0

Develop park land in a way that integrates individual recreational needs both passive and active, indoor and outdoor, into a cohesive Town-wide system.

Policies.

7.1.1. The Town will take aggressive action to acquire park land which is accessible to every resident for use and personal enrichment.

7.1.2. The park system will be utilized as a vehicle in fostering neighborhood and community activities.

7.1.3. Bicycle and walking modes of transportation will be encouraged throughout the park system, with the Town providing designated routes, acquiring easements and right-of-way access.

7.1.4. The Town will protect park and recreation areas against encroachment or acquisition for other uses.

7.1.5. Park and recreation sites should be selected and developed so as to be adaptable to the changing recreational and/or educational requirements of the people using the facilities.

Goal 7.2.0

Integrate the schools (public and private) and commercial recreational facilities with the park and recreation element.

Policies.

7.2.1. The Town will work in conjunction with all potential recreational land-holding organizations, promoting joint planning, joint acquisition, joint development and joint use and maintenance of recreation and park sites.

7.2.2. The development of neighborhood elementary school/parks should be as an integrated comprehensive site design, the principle being the "school-in-the-park."

Goal 7.3.0

Capitalize on Fairfax' unique geographical and topographical assets, climate and character to develop recreation resources and to provide facilities throughout the Town to meet the present and future needs for all.

Policies.

7.3.1. Where feasible, the open space element will be combined or linked to provide a visual and physical continuum of park and greenway throughout the Town.

7.3.2. Sites of ecological, archaeological and historical significance shall be preserved and protected.

7.3.3. The Town of Fairfax recognizes the recreational value of its surrounding scenic area and will therefore promote its preservation.

Goal 7.4.0

Implement and enforce the Town Council's and Planning Commission's policies and procedures for providing recreational facilities in all future developments and subdivisions.

Policies.

7.4.1. All recreation facilities donated by developers in lieu of payment of fees under Town Ordinance No. _____ shall be coordinated with the parks and recreation element, and these facilities shall be open to all residents of the Town of Fairfax. All fees collected under the ordinance shall be used only for purchase of recreation facilities or land.

7.4.2. The park and recreation element of the general plan shall be reviewed and updated by the Parks & Recreation Commission at least once every two years, and any recommendations for revisions shall be submitted to the Town Council for approval.

IMPLEMENTATION OF THE FAIRFAX GENERAL PLAN

2.0.0 SCENIC HIGHWAYS ELEMENT

The method of preserving the scenic corridor through which these roadways pass is to prepare a design plan which establishes criteria for regulating development within the scenic corridor. The best method of doing this is to prepare a community design plan. In addition, zoning can be used to regulate density and design within the scenic corridor.

3.0.0 NOISE ELEMENT

1. It is recommended that noise enforcement should be accomplished through an ordinance which provides for maximum acceptable ambient noise levels by zone for both daytime and nighttime conditions, indoors and outdoors. The noise level standards for land use recommended in section III of this element could be utilized. Or through the use of information in Figures 1 and 2, amended or additional standards could be adopted.

2. Calculations of estimated noise levels should be included in Environmental Impact Reports where appropriate. Noise levels should not only be prepared for the given site but should include an assessment of the effects of noise on roadways when it is determined the project will draw large amounts of automobiles.

4.0.0 CONSERVATION ELEMENT

The goals, policies and objectives of the Conservation Element can be implemented through the following techniques:

1. All the planning area's ridgelines as shown on the Visual Resources Map should be formally adopted as part of the Town's zoning map.

2. The Town's slope ordinance should be revised to require a use permit for any construction within 100 feet of a ridgeline as identified on the zoning map.

3. A Residential Master Plan (RMP) zoning ordinance should be prepared which requires review of all development before issuance of a building permit and which allows for clustering and fluctuating density.

4. RMP zoning should be used in areas designated for conservation and open space when acquisition is not feasible.

5. A twenty-foot setback from the toe of a stream bank should be required to maintain and preserve the stream habitats of all the creeks in the planning area.

5.0.0 ENVIRONMENTAL SAFETY ELEMENT

The following recommendations are suggested to update the Civil Preparedness Program for the Town of Fairfax, based on the findings of this element.

The On Site Assistance Report should be amended as follows:

1. The Summary of Observations (Hazards) section

should be amended to include a description of the hazards identified in the Environmental Safety Element.

2. Standard Three (Emergency Operations Centers)

a) mention should be made that the Town Hall is located in a flood prone area.

3. Standard Three (Recommendations)--the following recommendations should be added:

a) Designated Emergency Operations Centers should be located in low risk areas.

b) Emergency Operations Centers should contain emergency generators since power failure is a common occurrence in natural disasters.

c) Emergency Operations Centers should contain optional water cooling systems for emergency generators since the breaking of water mains is a common occurrence in a natural disaster.

4. Standard Four (Trained Manpower). The abundance of landslides and the high probability of landslides during an earthquake means that Fairfax could be cut off from emergency assistance from other areas of the County. Therefore, the Town should develop an emergency plan which allows for local emergency services especially for the time period directly after the disaster.

5. Standard Five (Emergency Operations Planning). Alternate emergency evacuation and assistance routes should be established to provide for the physical separation of

different sections of the planning area due to landslides.

6.0.0 HOUSING ELEMENT

The Fairfax Housing Plan will be implemented through the adoption of a moderate income housing ordinance and direct government subsidy to low and moderate income families. In addition, the Town will take advantage of opportune situations to increase its supply of new low and moderate income housing.

U.C. BERKELEY LIBRARIES



C124906782

